App. F. IX-4

1934.
(Legs)

File No. 43-34

Previous References
Legis 56-28-1-11 & 17
1-32-27.

Serial Nos. 2 & 4

Letter References.
Legis 43-34-3.

PRESERVED

GENERAL AND REVENUE SECRETARIAT.

Serial Nos.

Manuscript - 1

Part ~~B~~ for November 1935

SUBJECT:

The Mysore Road Traffic and Taxes Regulation.

Regulation No. VI of 193.

He saw the Members of Council and Sir C. T. Yoshoy & discussed the report of the Inter Transport Committee. Several decisions were arrived at of which the following is one:-

That ~~[illegible]~~ Mr. Rajagopalachari (Rys) might be attached to the Secretariat for three or six weeks to prepare the draft bill the rules ~~[illegible]~~ & suggestions to the report.

M. Tamachi

Accordingly

RG
13/4/24

C
13/

Serial No.

Mr Rangachari was appointed
as Secy to the M.T.C previously
on 3.10.02 and the expenditure
was met from the Crowds
under 24 A. Communications
He then reverted upon Sir
Charles Todhunter, President of
the Committee

It is for orders which the
same course has to be
adopted now or whether
he has to work under any
Secretary & Govt for the expen-
diture met out of the
provision for the G.D.C
Fund

for
13/

File No. of 193

General and Revenue Secretariat

Draft Note submitted

1st Member)



Serial No.

Note on the Regulation and Rules necessary to give effect to decisions on the Motor Transport Committee recommendations.

---

1. The recommendations of the Committee may be grouped under the following heads: -

I. Financial : - those relating to taxation of motor vehicles, ~~taxes~~ Tolls etc.,

II. Regulation, Control and Co-ordination of traffic, specially of public service vehicles.

III Administrative : - those relating to the composition, functions and powers of the machinery to be established for the above. New legislation is necessary to give effect to some of the main recommendations under each of the above heads, as indicated in broad outline below -

2. I. Finance. According to section 11 of the Motor Vehicles Regulation, the Government may make rules prescribing fees in the following cases -

(a) For registration of motor vehicles.

(b) Licensing of drivers.

(c) Motor vehicles let or plied for hire in public places.

There is thus no power for levying taxes on private motor vehicles. Some of the recommendations of the Committee, as for ~~illus~~ instance, those relating to the levy of a vehicle tax on all motor vehicles (proposition 4. (1,b, (a)b and (b,b and of road tax of a rate (4. a)), involve the taxing of private vehicles and cannot be given effect to without legislation.

t is for similar reasons that such of the British Provinces as have introduced a provincial tax on all motor ehicles have done so under powers conferred by a epara te motor Taxation Act. Secondly the levy of a ehicle tax on motor cars and buses and of the road tax lorries, which is in substitution of the existing unicipal taxes, will necessitate the repealing of the orresponding section in the Municipal Regulation giving hese local bodies powers to levy such taxes.

With regard to tolls, the proposal of the Committee hat all Provincial and District Board toll gates should managed by one traffic authority, involves the repealng of Section 66 of the Mysore District Boards' egulation conferring on District Boards the power to stablish toll-bars on their roads. It also appears hat it would be necessary to include another section in the new Regulation empowering the Government to establish toll gates on District oard roads, as the Chief Commissioner's Notification No. 74 dated the 4th November 1876, on the authority of hich tolls are levied, authorises such levy in respect f any road or bridge constructed at the expense of the overnment.

5. II. Regulation Control and Co-ordination of motor traffic.

The recommendations of the Committee under this head may, as far as they relate to public service vehicles, be given effect to by suitable new rules and departmental instructions. Other recommendations such as those of licenses to private lorries etc. restricting their zone of operations seem to call for

Serial No.

for new legislation. It will also be advantageous to include in this, general provisions relating to regulation and control of motor traffic.

4 III. Administration.

The composition, powers and functions etc., of the Central Traffic Authority is a matter to be defined by rules to be issued by the Government. Legislation however seems necessary for setting up such a body.

5. Thus new legislation is required to give effect to the important recommendations, financial and administrative of the Committee. This new regulation may take one of the following forms: -

(i) A new comprehensive regulation which will include in appropriate places, the existing sections of Mysore Motor Vehicles Regulation.

(ii) Different regulations for taxation and for regulation, control of Motor Traffic, keeping the present Mysore Motor Vehicles Regulation intact.

It having been decided by the Government that alternative No. (ii) should be adopted, the further question that arises for decision is whether one regulation containing all provisions, financial and administrative, should be framed or whether there should be two regulations - one for taxation and the other for regulation and control of Motor Traffic.

6. In England, the taxation of private cars and of public service ~~xxxxx~~ vehicles is done under the Finance Acts. The regulation control etc., of cars and public service vehicles is largely under the provisions of the Road Traffic Act (1930), which also prescribes the

Serial No.

for such as Drivers Licenses, Certificates for Fitness of Vehicles etc., the Road Traffic Act applies almost wholly to cars and passengers vehicles and not to lorries which were not subject to the same degree of control till recently. Strict regulation and control of lorries, as of buses, has since been brought to force by the recent Road Rail Traffic Act, enacted last September.

In India, the provinces which impose taxes on motor vehicles do so under the provision of separate taxation Acts. Such provinces as at present are Madras, Bengal, Bihar and Orissa, Punjab and Central Provinces. There are no acts corresponding to the English Road Traffic Act and Road and Rail Traffic Act in any of the Provinces of British India, such regulation and control as is excercised being done under the Indian Motor Vehicles Act and the Rules framed under the rule making powers conferred by that Act. These rules vary considerably from province to province and in pursuance of the resolution of the Road Conference of 1931, Draft Model Rules have been framed which are said to be under examination of the Legal Department of the Government of India.

7. It will be seen from the above that the common procedure is for taxation to be dealt with under separate Acts and there seems to be a great advantage in following this procedure especially as the decision to have the existing Motor Regulations intact, rules on the idea of a single comprehensive Regulation.

8. It is therefore submitted for kind approval

Serial No.

approval that the action to be taken to give effect to decisions on the Committee's recommendations may be as follows: -

(1) A new regulation to be called "Mysore Motor Vehicles Tax Regulation may be drafted to deal with taxation etc., and the matters connected with it.

(2) Another regulation entitled "The Mysore Road Traffic Regulation" may be drafted to deal with other matters.

Thus the motor law would consist of three Regulations viz., "The Mysore Motor Regulation, the Mysore Motor Vehicles Tax Regulation, the Mysore Road Traffic Regulation" and of the Rules framed under each of these. All these Regulations and Rules may eventually be published together under the title of "The Mysore Motor Vehicles Manual" as at present, making all the Motor Rules and Regulations available in a comprehensive single volume.

Orders are solicited on the plan submitted above to enable me to proceed accordingly.

Genl. Secretary) H.K.Ra. 7/5/34

The Taxation acts have been made separate I think, because they have to follow the finance act each year in Great Britain. In Madras etc. the Taxation acts are local acts and the Regulation of & Control is under the Indian Motor Vehicles Act and

WD 0434—GPB—15,000—12-10-33

File No. of 193 . | General and Revenue Secretariat

Serial No.

the rules framed under it. We have decided to keep the Mysore Motor Vehicles Regulation based on the Indian Motor Vehicles Act intact and have one Regulation for Control & Taxation. There is no necessity, I think, to split this into two Regulations as suggested above.

First Number.

8790

S. Abdul Wajid
Asst.
8-5-34

M.R. Jayaram
9/5
8/5-

Secy. with Manager's instructions regarding that, leaving the Motor Vehicles Regn alone, the rest of the matter requiring legislation may go into one Regn

Leg. Asst. with Manager's
10/5/34

Asst.
10-5-34.

11/5/34

HR
11/5/34

A draft of the statement of general principles of the proposed Motor Regulation is submitted.

Favour of orders is solicited on the following points included in the draft statement:-

(1) The New Regulation may be called "The Mysore Road Traffic and Taxes Regulation".

The title may be adopted

Asst.
21-5-34

YS

Serial No.

(2) Para 1 of the draft. The composition of the Traffic Board is not given in full detail, as it is a matter to be regulated by the Rules. The General nature of the Board is, however, indicated.

(3) Para 7 of the draft. (Re. Vehicle Tax)- The Motor Committee recommended that (vide prop.27) if a vehicle tax is levied on all cars in the State, the collection of tolls from motor cars at the toll gates of Bangalore and Mysore Cities may cease. This seems to need further consideration. The proposed vehicle tax is practically the municipal tax itself. The tax should entitle those that pay to only those concessions to which the municipal tax entitled them viz., exemption from the tolls of the Municipality which collects the tax. Secondly, ~~the~~ compensation to be paid to the Municipalities is to be based on the average of three years' collection of vehicle taxes on motor vehicles by the Municipality. If the proposed vehicle tax is to exempt cars in the State from tolls of Bangalore and Mysore Municipalities, the question becomes a larger one involving compensation to these Municipalities for loss of tolls on motor vehicles also. The Government will have to pay the Municipality more than it is likely to realise from vehicle taxes. It is, therefore, submitted that the Vehicle Tax may be treated as -- entitling the owner to exemption from tolls at the Municipality in which he is resident or, when he does not live in a Municipality, from the tolls of the Municipality nearest his place of residence.

I think this will be allright. V7 dss.

A

The tax which the owner is now called upon to pay is just what he has been now paying in the Municipalities he cant expect more advantages than what he now enjoys; but for those who live outside a Municipality say within 5 miles of it the concession of the exemption from tolls may be extended as otherwise they will have to pay the tax and not get anything in return. This will, of course, raise the question of compensation to the Municipality in such cases. Such cases will be very few and I think a moiety of the tax collected from such cars may be paid as compensation to the Municipality concerned.

NOTE—Contn. Sheet.

WD 0431—GPB—15,000—12-10-32

Serial No.

(4) Para 7 (iii) and 8 of the draft.- Lorries and Public Service Vehicles are not subject to Vehicle Tax, as this is merged in the Road Tax and Service Tax they have to pay. These vehicles should also be similarly exempt from Municipal tolls of the Municipality at which the owner resides. There is no specific recommendation of the Committee to this effect but it is consequential on their recommendations.

(5) Para 8 (iii) of the draft.- With regard to the Railways running their buses, the recommendation of the Committee was that Railways should be given "the exclusive option" of running bus services on roads running close and parallel to Railways. The decision of the Government is that the Railway Department "may run some motor bus services on roads parallel to Railways or short-circuiting them". It is for orders if it is "exclusive option" that is to be given to the Railways or if they are to be given some services along with others.

(6) Para 11 of the draft.- All the Motor Taxation Acts of British Indian Provinces exempt motor vehicles used solely for agricultural purposes, such as motor tractors from Provincial Taxation. A similar provision may also be included in our Bill.

(7) These Acts also allow the Government to exempt, under rules to be made by them, visiting motorists for a specified period from such taxes. In Bengal such period is one month and in Madras, last 14 days of a quarter. Is any period of exemption from Vehicle Tax to be provided for in such cases and if so for what period

As the road and hence Cess are very much higher than the Cess they are now paying. The exemption may be granted from the Cess in the municipalities. There is no concession really as the municipality get compensation for these also.

SA

B.

I don't think exclusive option could be given.

SA

This exemption may be granted.

CAM

Serial No.

are matters to be decided at the time of framing rules.

(8) Tolls on Bullock Carts.- Though the actual rates of tolls to be levied is a detail to be fixed by rules, still a note on it is included in the draft in accordance with the decision of the Government that this may be included among the proposals to be placed before the Assembly.

(9) In the portion relating to taxation, the changes in the existing fees, etc., which are to be brought in force by amending the existing rules are also shown, to give a complete picture of the proposed taxation.

(10) Schedules of Taxes.-

(a) Schedule II - A. Re. Vehicle Tax.

The rates shown in the schedule are the maxima which the Municipalities are at present allowed to lev according to the Municipal Regulation. The actual - rates which are now in force in the Municipalities and are the same as those recommended by the Committee for adoption as Vehicle Tax, are less than these maxima sho in the schedule e.g., Rs. 30/- for cars against maximu of Rs. 40/- allowed.

The Schedule may stand. can. S.A.W.

D

Schedule II - D. With regard to the Service Tax - i.e., tax on seating capacity on public buses, the rates recommended by the Committee viz., Rs. 30/ per seat per annum are those in force in Madras. Th Schedule of rates permitted in Madras is, however, h and is Rs. 40/- per annum per seat. The same schedu of maxima rates authorised has also been adopted her though the tax proposes is less viz. Rs 30.

This Schedule may also stand can. S.A.W. 21.5.34

OFFICE OF THE MEMBER OF COUNCIL 21 MAY 1934 No. 9145

NOTE—Contin. Sheet.

WD 0434—GPB—15,000—12-10-32

General Secretary

First Member.

V.A.Rau 18/5/34.

can. S.A.G. 21/5/34

5948

325

of 193 .

General and Revenue Secretariat

Serial No.

The Comrs's proposals re: municipal bills are not quite clear. ~~& 2)~~ I think that the Exact case is as follows:—

Payment of provincial ~~road~~ vehicle tax by person residing in a municipality will exempt the vehicle concerned from bills of that municipality, but not of any other. Payment of road tax (i.e. companies tax) will exempt from bills, provincial & local as well as of all kinds.

Where a person resides outside municipality but pays service tax and is employed in municipality must be exempted from all municipal bills.

Please issue amendments

Sgd. M. Rahiman
22/5/34

DEWAN'S OFFICE
28 MAY 1934
No. 2506

Init.
23.5.34

The revised draft is recommended herewith

Sgd. V. Ramaiah
26/5/34

(First reader)

OFFICE OF THE FIRST MEMBER OF COUNCIL
26 MAY 1934
No. 9261

~~If~~ the ~~Govt~~ general principles of the ~~Legislative~~ bill re: motor vehicle Taxation ~~are~~ may be approved ~~of~~ as being placed before the Leg. Please submit to Dewan by Council meeting

9

Sgd. M. Rahiman
28/5/34

Dewan.

Minute in order
Init.
28.5.34

Sgd.
28/5.

Sgd. V. Ramaiah
30/5/34

Sgd.
29/5.

(Chief Secy).

Init.
29.5.34

For Disposal by Circulation

No. C. 325 4

1937/34.

GENERAL AND REVENUE SECRETARIAT

Council Matter

Subject

Statement of general principles of a bill entitled "The Mysore Motor Road Traffic and Taxes Bill" proposed to be placed before the Representative Assembly.

Circulated to the Members of Council

By Order,

R. Rangarao

30th May 1934.

Chief Secretary to Government.

First Member of Council Seen

Second Member of Council opinion recorded

General and Revenue
Secretariat

Seri No	
(1)	The scheme of taxation as outlined in the statemen is somewhat complicated owing to differences in the cases of private cars and lorries and public service vehicles i city areas and in rural parts. While drafting the bill, it seems necessary to make the scheme somewhat clearer.
(2)	I do not quite follow the necessity for Paragraph 5 in this bill. In the absence of the Council Resolutio or other papers in the file, I am not quite sure, if the District Boards had been consulted about this. Recently they were given power to utilize the interest on the accu mulated cess funds. I would suggest that this matter may be taken up separately + possible as it does not seem to be an essen tial feature of the present bill.
(3)	The Schedule 2 (d) does not state the period for which the tax is to be levied. This may be entered.

Sgn 4/6

1st Member)

Ce 5/6/34

(1) This will be done
(2) I agree that it would be more appropria to deal with this in a separate Bill
(3) 2(d). This is a grey tax + has been treated as such -

Sgn 7/6/34

Second Member)

WD 01536—GPB—7,500—5-4-34

Sgn 7/6/34

Sgn

A D F N i
First Member

The last day for issuing a supplementary statement of first business to R.A members will be the 9th so that it might be brought up on the last day of the session (20th), 10 days notice being necessary. May this be issued tomorrow (9th) in anticipation of sanction of H.H. For orders

(for Member)
F.N. signed by Member.

Ce 8/6

Ce 8/6

Dewan)

9/6

9-6-34

26 items, Grant statements are to be laid before the Birth-day session of the R.A. 10 days notice has to be given to the members under Rule 9 of the Rules of Business.

OFFICE OF THE
FIRST MEMBER OF COUNCIL
8 JUNE 1934
No. 9564

The Member directs that the statement may be issued on the 9th

Ce 8/6/34

DEWAN'S OFFICE
9 JUNE 1934
No. 7864

inal Note by the First Member of Council.

Subject:-

Statement of general principles of a bill entitled "The Mysore Motor Road Traffic and Taxes Bill" proposed to be placed before the Representative Assembly.

In continuation of my Final Note of the 5th instant submitting for His Highness' gracious approval a draft of the Gover ment Order on the report of the Mysore Motor Transport Committee presided over by Sir Charles Todhunter, I submit herewith a drai of the statement of general principles of the bill proposed to b introduced. The proposed legislation gives effect to the Scheme of Taxation and other Measures recommended by the Committee and accepted by Government in the order referred to above, with the exception of the one relating to the utilisation of the Railway cess levied by the District Boards. The Todhunter Committee recommended that in those cases in which a District Board had accumulated Railway cess funds but had no remunerative railway pro jects, the funds may be expended on a programme of new road work and resurfacing the existing roads. This involves an amendment of Section 68 of the District Boards Regulation and it is proposed to bring in a separate amending bill to give effect to thi decision.

10 & 12 Nov. The draft statement has been agreed to by the Dewan and the Second Member of Council. I solicit His Highness' gracious sanction to place it before the Representative Assembly in the ensuing Birthday Session.

Bangalore,
8th June 1934.

MEMBER OF COUNCIL.

12

Submitted to His Highness.

I submit herewith a Final Note by the First *Member of Council on the subject of* the Statement of general principles of a bill entitled "The Mysore Motor Road Traffic and Taxes Bill" proposed to be placed before the Representative Assembly *for His Highness' gracious approval.*

Mirza M. Ismail

Bangalore,
9th June 1934.

Dewan.

Record of Cases submitted for the Orders of His Highness the Maharaja.



Subject.

Statement of general principles of the Mysore Motor Road Traffic and Taxes Bill.

Order.

KRM
12/6/34

C Secy
MS
13-6-34

RR
14/6-

C
14/6

General and Revenue
Secretariat

Statement of general principles of the Mysore Motor Rules Traffic and Taxes Bill

(*)

31 All urgent or confidential files returned with His Highness' orders may in the absence of instructions or indications to the contrary, be ordinarily circulated to the Members of Council for perusal after the issue of orders.

33 The Secretaries concerned should see that orders in the cases referred to above are issued at once and that the files are returned immediately after to the Chief Secretary for circulation to the Members.

34. In all other cases, the files will first be circulated to the Members of Council at Headquarters and then sent to the Secretariat concerned for the issue of orders.

Circulated to Members of Council for perusal of His Highness' orders before/after issue of orders. (*Vide Rules* 31, 33 and 34 of the Subsidiary Rules for the conduct of business of Council in the Manual of Council Rules and Procedure)

R. Rangaiah

Chief Secretary to Government.

Through the Secretary to Government,

.....Department.

9729/1576

FIRST MEMBER OF COUNCIL. 15/6/76

SECOND MEMBER OF COUNCIL.

15

9729/1576

16/6

General Dept. with Copy

16/6

16/6

G. 17/6

The Road Traffic & Tolls Bill

General and Revenue Secretariat | File No. | of 193 . | [App. F. III—2

Serial No.

A revised draft of the Bill is submitted.

1) A separate chapter on Tolls and the levy of the Toll Bill at the Chief Comm's notification has been included.

2) The general powers & functions of the Traffic Board are mentioned.

If approved the Bill will be published under Rule 8 for introduction in the L.C. Last date for publication in Gazette is 29th Nov.

(for Member)

C. Subramanya Aiyer.
G
20/11/34

by messenger
21/11/34

(Member
2nd Member
Dewan)

C
21/11/34

ack.
21.11.34

I have not sufficient time just to go into the provisions of this bill carefully but in view of the necessity to publish it before the 29th, I agree that it may be published under rule 8. I shall reserve any suggestions to a later stage of the bill

J.T.A.
22/11

Messenger
22-11-34

C
22/11/34

NOTE—Contn. Sheet.

WD 01955—GPB—22,500—12-6-34

L.C. Secretary for further action
C
23/11/34

3144/34

Mysore Road Traffic and Taxes Bill.

File No. | of 193 . | General and Revenue Secretariat

* 2026/L.C. Dated 28th Nov 1934 issued

* Office copies

5/11/34

Prot.n B/- with Compts)

30/11/34

Printed Copy of the Bill placed in the file for perusal.

The Bill having been published under Rule 8 of the Rules of Business of the Legislature the following motions are suggested for insertion in the Agenda for the L.C. meeting.

That the Bill published under Rule 8 of the Rules of Business be read in Council

That the Bill be referred to a Select Committee

Home the First Member of Council

Secondly the Chief Secy to Govt

The personnel of the S.C. is also for Consideration

Rom B.M. 5/12 The Select Committee may be settled after the discussion in Executive Council).

Prot. 5/12 Home Secy & Finance Secy

C. Subramanyam 6.12.34

5/12/34

S A Aralappa 6.12.34

6/12

6/12

OFFICE OF THE FIRST MEMBER
8 DEC 1934
No. 4578

Road Traffic & Taxes Bill

Serial No.

The L. C office for mind note of motions approved on the previous page
Asst MS.12.
10/12/34
noted and put to the Prot. Br. with compts)
10/12/34

The Bill was read in Council and referred to a Select Committee consisting of the gentlemen as May be.

Orders are solicited regarding the date when the Committee may meet. Sd

Done 16/1 WBK

A date in the Second or Third week of February might be fixed if convenient.

1st Member) 17/1/35

11th Feby 1 PM. 17/1

16/1

Draft notice of meeting Sd

Done 18/1 WBK

6.8/1

WD 01955—GPB—22,500—12-6-34

Road Traffic and Taxes Bill

File No. of 193

Com. No P 8626-38 of 22.1.35

The Members of the
Select Committee
are informed that a
meeting will be held on
Monday the 4th Feb. at 2.15 P.M.

REPLY

(*To be written on this margin.*)

OFFICE OF THE
FIRST MEMBER OF COUNCIL.

NOTE.

Dated 7th February *193* 5.

Will you kindly postpone the Select Committee meeting fixed for the 11th instant to the 26th instant and notify all the members immediately?

Under Secretary,
Protection (L.C.)



Draft Com. Secy
Home
7/2

(today)
6/2/935

Issue No P 4077-890 6/2.

Intimate the members of the S.C that the meeting will be held at 1 P.M on Tuesday the 26th inst

The Committee met on the 26th & 27th instants and considered the 18 clauses and decided to meet again on the 8th & 9th of

3144
4355

Re Road Traffic & Taxes

General and Revenue Secretariat | File No. | 193 | [App. F. III—2

Serial No.

8th & 9th of March.

Draft Act is submitted.

Sgd. L. C. Gubbins Secy to Govt.
11/8/35

4/3 Dom

Issued No P4649-61 dt 2.3.35

Meeting I.P.C. on 8.3.35

The Committee met and considered the Bill on the 8th & 9th inst. and decided to meet again on the 13th. It was understood that no notice of meeting need be sent

Dom

The Committee met on the 13th inst. All were present except Mr. Silva. The Committee Concluded its deliberations at 11.30 Am on the 14th inst

A draft Report of the decisions arrived at the meeting together with a copy of the Bill as amended by them is submitted

Dom
21/.

Draft report of S.C. & a Bill as amended are submitted for approval. Copies will be sent to the members of the S.C.

C. Subramaniam Iyer
(Chairman)

Chairman 21/3/35

FIRST MEMBER OF COUNCIL
21 MAR 1935
No. 6798

Please keep the records

Road Traffic & Taxes Bill

General and Revenue Secretariat | File No. of 193 . | [App. F. III–2

Serial No.

Proofs of draft report of the Select Committee on the Road Traffic & Taxes Bill & The Bill as amended are submitted for perusal. Copies of the drafts will be sent to the S.C. members if approved.

(Sd Member) 6/4/85

Slight corrections were made & the Members directed that draft report may be sent to the S.C. members

C. 17/4/85

Issue draft report to S.C. Members

C 27/4/85

Issued vide P 5937-49 of 26.4.85

Road Traffic & Taxes Bill.
Return of S.C. Reports from Members

General and Revenue Secretariat. | File No. of 193 . | [App. F. III-2

I Mr. N. N. Ayyangar, Chief Engineer
Returns the draft Report with

Done
29/4

2. Mr C.S. Ratnaswamiengar,
3. Rao Bahadur B.K. Gauda Char,
4. Mr F.L. Silva
5. Mr H.D. Sinclair
6. Mr A.L. Brie

Mr Hill has made the following observations in a note

7 Mr K.R. Srinivasiengar has signed subject to a note
8 Dr of Police has approved of the draft
9 Mr C. Chennappa has approved of the draft.

Draft Remarks of the other Members submitted & approved

Issued to Members vide Memo No. P 6336 dated 16-5-35

1) M. N. N. Ayyangar
2) M. F. A. Hamilton
3) M. S. Abdul Wajid
4) M. C. S. Kuppuswami Iyengar
5) M. H. D. Sinclair
6) M. B. K. Gauda Char
7) M. F. L. Silva

Report of the Select Committee —
Road Traffic & Taxation Bill.

File No. of 193 . | General and Revenue Secretariat

Report in toto.

(9) Mr. K. R. Srinivasa Iyengar has approved subject to a note

(10) Mr. Hirt has also added a note

(11) Mr. H.C. Dasappa states he approves signs subject to a note of dissent.

(12) & (13) Messrs Channabasappa & H.B. Gundappa have not replied in spite of reminder.

The views of Mr K.S. & Mr Hirt will be published with the Report. It will be indicated against Mr. Dasappa that he has signed subject to a note of dissent on certain points. Against Messrs Channabasappa & Gundappa it may be indicated that they have not intimated assent or dissent. We have written to them that if no reply is received by 20th instant, it will be presumed that they approve. For even if their assent may be presumed.

The Report & Bill as amended will be published in this week's Gazette

(for Member) 21/5/38

21/5/38

Serial No.

Draft Notifn is submitted for appl.

21/5/35

Draft notifn has been approved & ordered to be issued

21/5/35

Notifn P6384 dated 21. 5.35 issued.

To the L.C. Office with compliments for favour of note & return.

22/5/35

SEC

MAY 1935

LEGISLATIVE COUNCIL

That the Report has been sent to the Committee, for publication has been noted here.

(Prot. Br. will complete)

22/5/35

Mr. H. B. Grundappa appears of the report.

27/5/35

The L.C. office will be informed that Mr. H.B. Grundappa has since intimated agreement with the Report.

The following motions are suggested for inclusion in the Agenda for the next meeting

WD 01955—GPP—22,500—12-6 34

Road Traffic (Amendment) Bill

File No. of 193 .

General and Revenue Secretariat

by the Legislative Council.

(1) Motion that the Report of the S.C on the Bill and the Bill as amended by them be taken into consideration.

(2) Motion that the Bill be passed.

Mover: The Chief Member of Council

Seconder: The Financial Secretary (Council)

Sd/-

Colombo
6/6 (Member)

6 JUNE 1935
99

Le
6/6/35

Ltr
6.6.35

Le
7/6/35

To

The L.C Office for necessary action re the assent of His Excellency the Governor to the above motions as passed.

(Noted and put to Prob. B. with Complete)

6886-1934 D 1094.

Amendments to the Mysore Road ~~and~~ Traffic and Taxes Bill as amended by the select committee.

1. *In clause 4(2) of the bill, substitute " Representatives for " a representative*

2. *Add the following as proviso to clause 17 of the amended*

" Provided ~~he~~ he shall not be liable to pay toll on such vehicle or animal if it merely crosses the road or does make use of the road for more than a mile".

3. *In schedule ii A of the amended bill (iv of the origina ~~xxxxxxxxxx~~) unde ~~item~~ privileges and exemption omit the word " municipal".*

4. *In schedule ii C of the amended bill (service tax) under item 2 (b) substitute Rs.5/- and ~~xxx~~ 8 " for " Rs.6/ and 9'*

5. *Add the following as clause 29 (b) re-numbering the exist clause as 29(a) :-*

" 29 (b). No tax under this Regulation other than vehi tax be levied on any motor vehicle kept solely as a spare one to be used in case of emergency".

Mover: Mr. G. Mahomed Imam.

For note and further necessary action.

Prot. B. as amended.

5.6.35

The amendments proposed by Mr. Imam are indicated in ink in the copy of the Report herewith put up for orders.

Done

Mr. Imam has given notice of certain amendments to the Bill as amended by the S.C.

1) The idea of the S.C was to provide for one representative of the local bodies. It was thought that even this was not necessary but after considerable discussion it was agreed that the local bodies might be given one representative.

The amendment may be opposed.

2) The proviso suggested is not clear. The words "if it merely crosses the road or does not make use of the road for more than a mile". are wanting in clarity. It probably means that if a person merely crosses a toll bar & does not proceed more than a mile on the road he shall not be liable for toll. It will be a very unworkable rule. once a man is allowed to cross a toll bar & proceed a mile. There is no way of recovering toll from him if he goes beyond a mile. And then the toll collector will have to follow the person to see if he goes beyond a mile. The only effective way of collecting toll is to put up the bar & prevent passage till toll is paid. Further there is no good reason why a person who does use a road

though it be less than a mile should be exempted from payment of toll.
The amendment may be opposed

3) The Committee's decision was that on payment of the vehicle tax a motor vehicle should be exempt from payment of tolls at all municipal toll ~~gates~~ bars. The effect of the amendment proposed by the Hon'ble will be to exempt it from all tolls i.e provincial (including Dt. Fund) tolls also. This is entirely contrary to the principle of the Bill. According to it all motor ~~vehicles~~ cycles & motor cars are liable to pay provincial tolls & provision is made for Composition of those tolls. The proposed amendment will entail the income to a great extent & may be opposed.

4) The rate of Rs 6 & 9 as second class route for service car or buses was arrived at as a Compromise & a further reduction as proposed in the amendment is not desirable.
This may be opposed

5) It is proposed that spare buses should be exempt from all taxes other than vehicle tax & the only other tax

The Mysore Road Traffic & Taxes Bill

.pp. F. III-2

File No. of 193 .

that it is liable for is the service tax. Some rebate is perhaps called for in such cases & it may be allowed by the Govt under section 13. No special provision is necessary in regard to them.

(for Member) C. Subramaniam 17/6/35

The Report of the S.C on the Bill & the Bill as amended by them was considered at the meeting of the Legislature held on 1.7.35 & Amendments moved by Mr. Ramana were withdrawn save the exception of the 1st amendment which was moved & lost

Submitted with a D. F. N.

Dom 6/7 M.S.H. (for Member) C. Subramaniam

F. N. Signed by Member. 7/7/35

CLB. 6/7/35

S. N. put up.

K. V. Ramanan

DEWAN)

M.S. 7.7

9-7-35

Final Note by the First Member of Council.

Subject:—

The Mysore Road Traffic and Taxes Bill.

Gracious sanction of His Highness was accorded in June 1934 to place before the Representative Assembly a statement of general principles of a bill entitled the Mysore Road Traffic and Taxes Bill to give effect to such of the recommendations of the Mysore Motor Transport Committee presided over by Sir Charles Todhunter as were accepted by Government.

The general principles of the bill were considered by the Representative Assembly in October 1934 and were not accepted by that body. In the light of the discussions in the Assembly, the bill was revised in some particulars, e.g., (1) reduction of the rates of tax on buses and (2) continuing the exemption from the levy of tolls on bullock carts, and the bill as redrafted introduced in the Legislative Council, after previous publication, in December 1934 and referred to a Select Committee. The Select Committee discussed the bill at length and amended the bill in several particulars, making provision for the constitution of a Road Fund for the appointment of District Advisory Committees and for the abolition of municipal tolls on cars paying the provincial vehicle tax.

The report of the Select Committee and the bill as amended were considered by the Legislative Council at the meeting held on the 1st July 1935 and passed by it without further change. It is proposed to bring the new measure into effect from 1st January 1936.

I now solicit gracious sanction of His Highness to promulgate the said bill as law.

Bangalore,
8th July 1936

MEMBER OF COUNCIL.

Submitted to His Highness.

I submit herewith a Final Note by the First *Member of Council on the subject of* re: the Mysore Road Traffic and Taxes Bill,

for His Highness' gracious approval.

Bangalore,
9th July 1935.

Mirza M. Ismail
Dewan.

Approved by His Highness.

MI
9-7-35

1:2
10/7

6886/p134

General and Revenue
Secretariat

HH. 66.

SUBJECT:- Re: the imposition of Road Traffic and Taxes

(*)

31. All urgent or confidential files returned with His Highness' orders may in the absence of instructions or indications to the contrary, be ordinarily circulated to the Members of Council for perusal after the issue of orders.

33. The Secretaries concerned should see that orders in the cases referred to above are issued at once and that the files are returned immediately after to the Chief Secretary for circulation to the Members.

34. In all other cases the files will first be circulated to the Members of Council at Head-quarters and then sent to the Secretariat concerned for the issue of orders.

Circulated to Members of Council for perusal of His Highness' orders before/after issue of orders. (*Vide Rules 31, 33 and 34 of the Subsidiary Rules for the conduct of business of Council in the Manual of Council Rules and Procedure.)

N. Ananthakrishnan
Chief Secretary to Government.

Through the Secretary to Government.

.....

293
10/7

FIRST MEMBER OF COUNCIL

264
10/7

SECOND MEMBER OF COUNCIL.

Prothi Bra
7/11

The Road Traffic & Taxes Reg
VI of 1935

General and Revenue Secretariat.

File No. 43 of 1934

[App. F. III-2

Draft G.O. for publishing the Regn as Regn VI of 1935 is laid

Bme 13/7

Let proof/statement be very carefully Shown to Mr Meek.

Issue 15/7

G.O No P 342 of 15.7.35

The Compiler

Orders the publication of the Regn. as Regn VI of 1935

The Proof received from the Press is here - Only corrected

Bme 22/7/35

Another clear proof may be got & sent to Mr. Rowlandson

Serial No.

The Road Traffic & Taxes Reg

There is a mistake in Schedule III to the Reg[n] In item 5 under the Group A the use of the '20' is a mistake and should be 'on every' instead.

If approved the Govt Press may be required to print an errata slip as follows and attach the same at Page 21 of the copies available

Errata

For the words '20' appearing against item 5 under Group A in Schedule III read 'on every'

Sd/-

Done 6/11.

This is an error in printing. The word "four Wheeled" is intended to be prefixed only to "Motor Cars". Issue the Errata Slip (referring to the notification publishing the Act) C Saikia. 6/11/35

WD 03591—GPB—30,000—18-7-35

Draft Errata

Done 5/11

Issued P 8/12/35 C Saikia 12/11/35

12. 11. 35

II

THE MYSORE REPRESENTATIVE ASSEMBLY.

BUDGET SESSION—JUNE 1934.

STATEMENT OF GOVERNMENT BUSINESS TO BE PLACED BEFORE THE REPRESENTATIVE ASSEMBLY.

'. Statement of General Principles of the Mysore Road Traffic and Taxes Bill.

In October 1932, the Government appointed a Committee with Sir Charles lhunter as President, to enquire into the matter of the regulation and taxation motor transport. The Committee submitted their report and made detailed ɔmmendations. The Government have considered their recommendations and pose to introduce a Bill entitled " The Mysore Road Traffic and Taxes Bill " to ɜ effect to such of the recommendations of the Committee as have been accepted Government and cannot be brought into force under the existing Regulations l- Rules. The general principles of the Bill are as detailed below :—

1. The Bill will empower the Government to create a central co-ordinating l licensing authority, called the Traffic Board consisting of official and non-cial members, the latter including a representative each of the motor bus owners, er owners of motor conveyances, agricultural interests and commercial interests. e Chairman of the Board will be appointed by the Government.

The Board will be the central authority under the Government to administer ıerally the Motor Vehicles Regulation and the Road Traffic and Taxes Regula-ɒ and the rules under them and to license motor vehicles in accordance with ɛs to be prescribed by the Government. The Board will also have the power to d enquiries in cases of accidents of a serious nature connected with motor ıicles.

2. An obligation will be laid on private lorries also to obtain permits which l be granted subject to conditions and limitations prescribed by rules.

3. The existing District Board Toll-gates will be taken over to Government ıtrol and power will be taken to establish and work new toll-gates on District ard Roads as and when required by the Government. [Section 66 of the District ards Regulation empowering District Boards to establish toll-gates on their roads ll be repealed.]

4. Compensation will be made to the District Boards for loss of toll reve the basis of the average collections of tolls for the previous three years. culation will be subject to revision at the end of every three years.

II. Taxation.

5. *Private Vehicles.*—The scheme of taxation of motor vehicles provided ı the Bill is as follows :—

(*i*) All motor bicycles, tricycles and cars other than those usually le lied for hire, will be subject to a " vehicle tax," not exceeding the maxima prescr ı Schedule I-A attached hereto. This tax is analogous to the municipal vel ɪx now imposed in the Cities of Bangalore and Mysore. The power of Iunicipalities to impose a tax on motor vehicles will be withdrawn. The veh able to the vehicle tax are exempt from tolls of the Municipality at which wner is residing or, in the case of cars of owners living outside municipal lin ·om tolls of the Municipality nearest to their place of residence.

(*ii*) The vehicles mentioned in (i) above will be subject to tolls but it e open to owners to get exemption from all tolls by an optional paymen

"road-tax" based on unladen weight, at rates not exceeding the maxima specifie in Schedule I-B.

(*iii*) Lorries in the State will not be subject to vehicle tax but will be liabl to a road-tax at rates not exceeding those specified in Schedule I-C. Lorrie will not be subject to tolls in a permitted area or to annual registration.

6. *Public Service Vehicles.*—(*i*) In the case of taxi cars or taxies, a "servic tax," *i.e.*, a tax for the privilege of plying for hire, based on seating capacity, i leviable at rates not exceeding those laid down in Schedule I-D. They will not b subject to vehicle tax nor to tolls of the Municipality at which the owner resides They are however liable to tolls at all other places or, at their option, to a road-ta in lieu of tolls, at the same rates as for private cars. (*Vide* Schedule I-B).

(ii) Public service buses plying in purely city areas will be subject to service tax based on seating capacity at rates not exceeding the maxima specified in Schedule I-D. They will not be subject to the vehicle tax nor to tolls of the Municipality at which the owner resides.

(iii) Public service buses regularly plying on fixed routes in rural areas will be liable to a service tax, based on seating capacity at rates not exceeding the maxima specified in Schedule I-D. They will pay, in addition, a mileage cess at pies 6 per mile. They will not be subject to vehicle tax and will be free of all tolls.

Double the rates of mileage cess now in force on "railway competition" roads will be abolished and the State Railway will be given the exclusive opt running bus services on roads which run parallel to and close to the Railway, su to the same conditions and taxes as other buses.

(iv) Public service lorries will be liable to pay one and a half times the tax that a private lorry is liable to pay. They will not be subject to vehicl and are exempt from tolls in the licensed area, except on railway compe roads whereon the right to levy tolls will be reserved and exercised, if necessary.

7. Municipalities will be compensated for the loss of vehicle taxes ar *quantum* will be based on their average collections for the previous three subject to revision at the end of every three years. They will also be compen for loss of toll on vehicles paying road-tax or mileage cess, in such mann may be determined by the Government.

8. Power will be taken by the Government to make total exemption or modification in regard to taxes payable—

(*a*) by any person or class of persons;
(*b*) in respect of any motor vehicle or class of vehicles.

9. Motor vehicles used solely for agricultural purposes are not liable t of the above taxes; but a motor vehicle used for transporting agricultural pr will not be a vehicle used solely for agricultural purposes.

10. The schedule of tolls will be revised and higher rate of tolls th present will be prescribed for lorries and for carts carrying timber, stones, et lower rate of tolls will be levied on carts with tyres more than 2½" wide.

N. B.—At present, double bullock carts of agriculturists are liable to a toll of four ann laden carts and two annas for empty carts—

(i) at all frontier toll-gates;
(ii) at all District Board Toll-gates of some districts;
(iii) at all gates when carrying commercial timber.

Under the rules to be framed by them, the Government intend introduc lower uniform rate of tolls at all toll-gates, Provincial and District Boa follows:—

	Rs.	a.	p.
(1) On every cart or other vehicle drawn by two bullocks, ... (buffaloes, horses, ponies, asses or mules) if laden with goods other than timber.	0	2	0
(2) On every cart or other vehicle drawn by two bullocks, ... (buffaloes, horses, ponies, asses or mules) if laden with timber and stones.	0	8	0
(3) On every cart or other vehicle drawn by two bullocks, ... (buffaloes, horses, ponies, asses or mules) if not laden.	0	1	0

Half the above rates are leviable on bullock carts with tyres over 2½" wide.

The existing concession of the carts of agriculturists being exempt from tolls at any toll-gate situated within a radius of five miles of their homes will be continued.

11. The exemption from tolls in all the cases above referred to applies to those levied at ordinary toll-gates for maintenance. Provision will however be made for the levy of *ad hoc* tolls on all vehicles whenever necessary for a term of years, when a special facility such as a new bridge, a new road, etc., is provided.

12. Government will be empowered to make rules for carrying out all or any of the pr[illegible] ulation.

SCHEDULE I—

VEHICLE TAX.

		Yearly
1.	For every motor cycle ... ... Rs.	15
2.	For every motor car weighing less than 15 cwts. ... ... „	30
3.	For every motor car weighing 15 cwts. or more ... ... „	40
4.	For every private motor vehicle adapted to carry 8 persons or more ... „	60
5.	For every motor or bus used by hotels, schools, etc., only for their clientele for *bona fide* purposes connected with their work, within municipal limits ... ... „	100
6.	For every heavy motor vehicle (*i.e.*, exceeding two tons in weight unladen) „	100

SCHEDULE I—B.

Road-tax (Optional.)

Class of vehicles	Annual Tax	
	For vehicle fitted with pneumatic tyres	For other vehicles
	Rs.	Rs.
Motor cycles and tricycles including Motor scooters and cycles with attachment for propelling the same by mechanical power not exceeding 8 cwt. unladen :—		
(i) Bicycles	30	40
(ii) Bicycles, if used for drawing a trailer or side-car	40	50
(iii) Tricycles	40	50
Motor vehicles for passengers :—		
(*a*) weighing not more than 15 cwt., unladen	70	100
(*b*) weighing more than 15 cwt., but not more than 30 cwt., unladen	100	150
(*c*) weighing more than 30 cwt., but not more than 45 cwt., unladen	130	200
(*d*) weighing more than 45 cwt., but not more than 60 cwt., unladen	160	240
(*e*) weighing more than 60 cwt., unladen	200	300
(*f*) Additional tax payable in respect of such vehicles when used for drawing trailers.—		
(i) for each trailer not exceeding 1 ton in weight unladen ...	40	60
(ii) for each trailer exceeding 1 ton in weight unladen ...	80	120

SCHEDULE I—C.

Road Tax—Compulsory.

Class of Vehicles	Quarterly tax	
	For vehicles fitted with pneumatic tyres	For other vehicles
	Rs.	Rs.
Motor vehicles used in the course of trade and industry for the transport or haulage of goods or materials, including tricycles weighing more than 8 cwt., unladen.		
(a) Vehicles not exceeding 15 cwt., in weight, unladen ...	30	45
(b) Vehicles exceeding 15 cwt., but not exceeding 25 cwt. in weight, unladen.	50	70
(c) Vehicles exceeding 25 cwt., but not exceeding 30 cwt. in weight, unladen.	70	90
(d) Vehicles exceeding 30 cwt., but not exceeding 35 cwt. in weight, unladen.	90	115
(e) Vehicles exceeding 35 cwt., but not exceeding 50 cwt. in weight, unladen.	112½	150
(f) Vehicles exceeding 50 cwt., but not exceeding 70 cwt. in weight, unladen.	150	185
(g) Vehicles exceeding 70 cwt., but not exceeding 100 cwt. in weight, unladen.	175	225
(h) Additional tax payable in respect of such vehicles when used for drawing trailers.—		
(*a*) For each trailer not exceeding 1 ton in weight, unladen ...	60	85
(*b*) For each trailer exceeding 1 ton in weight, unladen ...	125	160
Provided that two or more vehicles shall not be chargeable under this clause in respect of the same trailer.		

SCHEDULE I—D.

Service-tax for Public Service Vehicles.

Motor vehicles plying for hire and used for the transport of passengers.	*Quarterly Tax*	
	For vehicles fitted with pneumatic tyres.	*For other vehicles.*
(*a*) Vehicles licensed to carry in all not more than four persons.	40	60
(*b*) Vehicles licensed to carry more than four persons for every person which the vehicle is so licensed to carry.	10	15

N.B.—One seat for the Driver in the case of Motor Taxis and two seats for the Driver and Conductor in the case of Public Service Motor Buses are excluded for the purposes of this tax.

C. SUBRAHMANYA AIYAR,
Secretary, Representative Assembly.

NOTIFICATION.

2026—L. C. Bangalore, dated 28th November 1934.

Under Rule 8 of the Rules for the conduct of business he Mysore Legislative Council, the accompanying ore Road Traffic and Taxes Bill is published for ral information with the statement of Objects and ions.

By Order,

C. SUBRAHMANYA AIYAR,

Secretary,

Mysore Legislative Council.

The Mysore Road Traffic and Taxes Bill.

Whereas it is expedient to make further provision ie regulation of traffic on roads and to provide for evy of certain taxes on motor vehicles ; Preamble.

And whereas it is expedient to amend the law relating ls ;

t is hereby enacted as follows :—

PART I.—PRELIMINARY.

(1) This Regulation may be called the Mysore Traffic and Taxes Regulation, 193 . Short title.

(2) It extends to the whole of Mysore. Local extent.

(3) It shall come into force on such date as the nment may, by notification in the Official Gazette, Commencement.

DEFINITIONS.

In this Regulation, unless there is anything nant in the subject or context,—

(1) "The Board" means the Traffic Board consti- under this Regulation.

(2) "Licensing Officer" means an officer appointed by the Government to exercise the powers and perfrom the functions of a licensing officer under this Regulation.

(3) "Motor Bus" means a public service motor vehicle which is used for the carriage of persons and has seating accommodation for eight or more persons inclusive of the driver.

(4) "Motor Cab" means a public service motor vehicle used for the carriage of persons, other than a motor bus;

(5) "Motor Car" means a motor vehicle which is not a public service motor vehicle or a motor cycle or a motor lorry.

(6) "Motor Cycle" means a motor vehicle without a carriage body running on not more than three wheels and weighing not more than eight hundred-weights unladen and includes an auto-wheel and a motor scooter.

(7) "Motor Lorry" means a motor vehicle which is ordinarily used for the carriage or haulage of goods or goods and passengers and includes a trailer when so used.

(8) "Motor Vehicle" has the same meaning as in the Mysore Motor Vehicles Regulation, 1928.

(9) "Prescribed" means prescribed by rules made under this Regulation.

(10) "Private motor vehicle" means any motor vehicle which is not a public service motor vehicle.

(11) "Public Road" means any street, road, path-way, square, court, alley, passage or riding path over which the public have a right of way, whether a thoroughfare or not and includes the road-way over any public bridge or causeway.

(12) "Public Service Motor Vehicle" means a motor vehicle which is let or plied for hire or reward.

(13) "Registered owner" means the person in whose name a motor vehicle or trailer is registered under the Mysore Motor Vehicles Regulation, 1928.

(14) "Side Car" means a wheeled carrier attached to a motor vehicle which motor vehicle rests on not more than two wheels.

(15) "Tax" includes a tax, cess or fee imposed under this Regulation or rules thereunder.

(16) "Trailer" means any vehicle other than a side car drawn or propelled or intended to be drawn or propelled by a motor vehicle.

(17) "Unladen weight" in relation to a motor vehicle or trailer, means the weight of the vehicle or trailer including all parts and equipment which are necessary for and ordinarily used with the vehicle or trailer when working. Where alternative parts or bodies are used, the heaviest part or body shall be taken into account for the purpose of calculating the unladen weight.

(18) "Year" means the financial year, "half-year" means the first six months or the second six months of such year and "quarter" means the first three months or the second three months of such half-year.

Repeal of certain enactments.

3. The enactments mentioned in schedule I are hereby repealed to the extent and in the manner specified in the fourth column thereof.

Provided that (*a*) the said repeal shall not affect the validity of anything done or the liability of any person to pay any sum due from him under the enactments hereby repealed, (*b*) any appointment, notification, notice, order, license, permission, rule, form, tax, fee, cess or rate, made, issued, given or imposed, toll-gates established, contracts entered into and suits and other proceedings instituted under enactments hereby repealed, shall, so far as may be, be deemed to have been made, issued, given, imposed, established, entered into and instituted under this Regulation.

PART II—ADMINISTRATIVE.

Constitution of the Traffic Board.

4. (1) For the purpose of carrying out the provisions of this Regulation, the Mysore Motor Vehicles Regulation, 1928, and the Mysore Highways Regulation, 1920, and the rules made under them, the Government may appoint, subject to the conditions hereinafter provided, persons, official and non-official, residing within Mysore, to constitute a Traffic Board.

The composition of the Traffic Board.

(2) The Board shall, subject to such exceptions and conditions as the Government may from time to time make and impose, include representatives of the owners of private motor vehicles, the users and proprietors of public service motor vehicles and persons having interests in agriculture, trade or commerce in Mysore.

(3) The manner and mode of selecting such representatives shall be in accordance with rules prescribed in this behalf.

(4) The Government may appoint one of th members of the Board as its Chairman and an officer i the service of the Government who may or may not be member of the Board as its Secretary.

(5) The Chairman and the members of the Boar shall hold office for the prescribed period, provided that th Government may by order at any time remove any membe and on such removal his seat in the Board shall becom vacant.

(6) Casual or other vacancies in the Board sha be filled up by the Government in accordance with rul prescribed in this behalf.

The duties and powers of the Board.

5. (1) It shall be the general duty of the Board so t exercise its powers as to secure the provision of an adequat and properly co-ordinated system of public service moto transport and for that purpose, while avoiding the provisio of unnecessary and wasteful competitive services, to tak from time to time such steps as it considers necessary f extending and improving the facilities for such transpo in such manner as to provide most efficiently and conven ently for the needs thereof.

(2) Subject to such rules as may be prescribed, th Board shall control the number and distribution of publ service motor vehicles and for this purpose shall in particular perform the following duties, that is to say:

(*a*) From time to time, it shall fix the routes o which public service motor vehicles may b permitted to ply;

(*b*) It shall from time to time determine th number of licenses and permits to be grante for each route and for this purpose shall be guided by the considerations set forth below

(*c*) It shall generally supervise the regulation an control of public service motor vehicles.

(3) When determining the number of licenses an permits to be allowed for each of the routes under su section (2) (b), the Board shall be guided by the followi considerations, that is to say:

(*a*) the suitability and capacity of the road or roa or portions thereof covered by every propos route for the carriage of public service mot vehicles;

(2) If any toll remains undischarged for twenty-four hours after the property has been seized as stated in sub-section (1), the said property shall after twenty-four hours notice exclusive of Sunday or any public holiday, be sold by public auction for discharge of the toll and all expenses occasioned by such non-payment, seizure and sale, by order of the officer authorised to superintendent the collection of the said toll, who may cause any balance that may remain to be returned, on demand, to the owner of the property.

Release of seized property on tender of dues.

Provided that, if, at any time before the sale has actually begun, the person whose property has been seized shall tender the amount of all the expenses incurred, and of double the toll payable by him, the said officer shall forth-with release the property seized.

(3) Any amount due on account of toll may also be recovered in the same manner as an arrear of land revenue.

Penalty.

15. Every person, other than the persons appointed or duly authorised to collect tolls under this Regulation, who shall levy or demand any toll on any public road or bridge, or for passing through any bazaar situated thereon, and also every person who shall unlawfully and extortionately demand, or take any other or higher toll than the lawful toll, or under colour of this Regulation seize or sell any property knowing such seizure or sale to be unlawful or in any manner unlawfully extort money or any valuable thing from any person under colour of this Regulation shall be liable on conviction before a Magistrate to imprisonment which may extend to six months or fine which may extend to two hundred rupees, any part of which fine may be awarded by the Magistrate to the person aggrieved.

16. Any person who fraudulently or forcibly passes any toll-bar without paying the proper toll, or who obstructs the person appointed or duly authorised to collect the toll in the discharge of his duties, shall be liable, on conviction before a Magistrate, to imprisonment for any term not exceeding three months or to a fine not exceeding fifty rupees.

Composition of tolls.

17. (1) Subject to such conditions as may be prescribed by the Government in this behalf any person may, in respect of a motor cycle, motor car or motor cab belonging to him pay in lieu of all tolls other than those

levied at toll-gates established on a road newly constructed for the recovery of the amount expended upon such road, a quarterly composition fee at rates not exceeding the maxima specified in schedule III. The payment of such composition fee shall exempt such vehicle from tolls levied by any municipal council.

(2) The composition fee payable under sub-section (1) shall be paid for the quarter and in advance.

(3) Any such person may pay in advance the composition fee payable under sub-section (1) for two or more consecutive quarters in the same year. When the fee is so paid, such rebate shall be allowed as may, from time to time, be notified by the Government.

18. The Government may by notification in the Official Gazette make an exemption, reduction in the rate or other modification in regard to toll payable,

(*i*) by any person or class of persons, and

(*ii*) in respect of any vehicle or animal or classes of vehicles or animals.

PART V.

LORRIES.

19. (1) No person shall use a motor lorry on a public road, except under a permit granted by the prescribed authority.

(2) When a motor lorry is being used on a public road the driver of the vehicle, if it belongs to him or is in his possession under an agreement for hire, hire-purchase or loan and in any other case the person whose agent or servant the driver is, shall, for the purpose of this part of this Regulation, be deemed to be the person by whom the vehicle is being used.

(3) The Government may, by rules, prescribe the conditions subject to which a permit may be granted under this section. In particular, but without prejudice to the generality of the foregoing powers, such conditions may include all or any of the following, that is to say,

(*a*) a condition that the lorry shall be used only in a specified area or between specified places;

(*b*) a condition that certain classes or descriptions of goods only shall be so carried;

(*c*) a condition that goods shall be carried only for specified persons;

(*d*) a condition that the lorry shall not carry more than the specified number of persons;

(*e*) when the vehicle is a lorry intended to be let or plied for hire or reward, such other conditions as the prescribed authority may think fit to impose in the public interest and with a view to prevent uneconomic competition.

(4) A permit under this section may be revoked or suspended by the prescribed authority by which the permit was granted on the ground that any of the conditions of the permit have not been complied with.

Provided that the said authority shall not revoke or suspend a permit unless he is satisfied after giving the holder of the permit an opportunity of being heard that the permit should be revoked or suspended.

20. A motor lorry in respect of which a permit is granted under section 19 shall be subject to such periodical inspection, as the Government may prescribe.

PART VI.

GENERAL.

Savings as to vehicles used for agricultural purposes.

21. No tax under this Regulation other than vehicle tax shall be levied on any motor vehicle used solely for the purposes of agriculture.

Explanation.—A motor vehicle used for transporting agricultural produce shall not, for the purpose of this section, be deemed to be used solely for the purposes of agriculture.

Protection in respect of acts done in good faith.

22. No prosecution suit or other legal proceeding shall lie againt any person for anything in good faith done or intended to be done under this Regulation.

Power of Municipalities to levy taxes on motor vehicles.

23. Notwithstanding anything contained in the Mysore City, Town and Minor Municipalities Regulations, 1933, no Municipal Council shall levy (1) a tax on motor vehicles or (2) a toll on such motor vehicles as are exempted from payment of municipal tolls under this Regulation or the rules made thereunder.

Payment to District Boards and Municipalities for loss of tolls and vehicle tax.

24.(1) From the proceeds of tolls and taxes collected under this Regulation, the Government shall pay annually to each District Board which at the commcement of this

Regulation was levying tolls and to each Municipa Council which at the commencement of this Regulatio was levying a vehicle tax on motor vehicles, a sum deter mined by the Government as representing the averag annual income of each District Board from tolls and e each Municipal Council from vehicle tax on motor vehicle during the three years ending 30th day of June 193 after deducting therefrom the expenses of collection whic shall be determined by the Government in such manne as it may deem fit.

(2) In determining the amount payable to a loc authority under sub-section (1) the Government shall tak into account—

(*a*) the arrears of tolls or vehicle tax on mot vehicles left uncollected, which could have been collected

(*b*) the amounts which the local authority shoul have paid to any other local authority on account collections made on behalf of the latter and remaining be adjusted; and

(*c*) the vehicle tax payable on vehicles owned l the local authority or by its employees in respect of whic exemptions were granted by the local authority.

(3) At the end of three years from the commenc ment of this Regulation, the Government may, aft consulting the District Board or Municipal Council co cerned, determine in such manner as may be th prescribed the amount payable thereafter to such Distri Board or Municipal Council.

(4) The amount recovered in respect of compositi of tolls under section 17, the proceeds of the service t under sub-section (c) of section 6 on all public serv motor vehicles plying or used solely within a Muni pality, and the proceeds of the mileage cess under su section (d) of section 6 shall be apportioned between t respective local authorities and the Government in su manner as may be determined by rules or orders made this behalf.

Explanation.—A local authority for the purposes this sub-section shall mean a District Board, a C Municipal Council or such other Town Municipal Cour or Sanitary Board as the Government may notify in t behalf.

Power of Government to make rules.

25. (1) The Government may, (subject to the con tion of previous publication except in respect of ru

			Rs.	a.	p.
11	On every cart or other vehicle drawn by four bullocks, buffaloes, horses, ponies, asses, or mules, if not laden		0	3	0
12	Do	cart or other vehicle drawn by two bullocks, buffaloes, horses, ponies, asses or mules, if laden	0	4	0
13	Do	cart or other vehicle drawn by two bullocks, buffaloes, horses, ponies, asses or mules, if not laden	0	2	0
14	Do	cart or other vehicle drawn by a single bullock, buffalo, horse, pony, ass or mule, if laden	0	2	0
15	Do	cart or other vehicle drawn by a single bullock, buffalo, horse, pony, ass or mule, if not laden	0	1	0
16	Do	cart or other vehicle, if laden with timber, fuel, bamboos or stone and entering the State at a Frontier Toll-gate	3	0	0

C. ANIMALS, PALANQUINS, ETC.

1	On every buffalo or bullock per head, if laden ...		0	1	0
2	Do	do not laden ...	0	0	6
3	Do	elephant	1	0	0
4	Do	camel, if laden	0	4	0
5	Do	do not laden	0	2	0
6	Do	horse, if laden or ridden	0	1	6
7	Do	horse, if unladen or not ridden	0	0	9
8	Do	thattu or mule, if laden or ridden ...	0	0	9
9	Do	do if unladen or led ...	0	0	6
10	Do	ass, if laden or ridden	0	0	6
11	Do	ass, if unladen or led	0	0	3
12	Do	sheep, goat or pig	0	0	1
13	Do	planquin, dooly, palna or [illegible]nion with two bearers or rickshaw	0	2	0
14	Do	planquin, dooly, p[illegible] than two bearers			

Provisos.—

1. Double the rate of tolls pre[illegible]- may be l[illegible] case of carts referred to [illegible]s 6, 8, 10 and 12 of B when such carts are load[illegible]n timber or stones.
2. The Government may prescri[illegible] lower rate of tolls on carts with tyres over 2½" wide[illegible]ian on carts with narrower tyres.

R. T.

40

SCHEDULE III.

(Section 17.)

Rate of fee for composition of tolls on Motor Vehicles.

Classes of vehicles	Fees per quarter	
	For vehicles fitted with pneumatic tyres	For other vehicles
1. Motor cycles.	Rs.	Rs.
(*a*) Motor cycles with two wheels ...	7 8 0	10 0 0
(*b*) Ditto, if used for drawing a trailer or side car	10 0 0	12 8 0
(*c*) Motor cycles with three wheels ...	10 0 0	12 8 0
2. Motor cars and motor cabs.		
(*a*) Weighing not more than 15 cwts., unladen	17 8 0	25 0 0
(*b*) Weighing more than 15 cwts. but not more than 30 cwts, unladen ...	25 0 0	37 8 0
(*c*) Weighing more than 30 cwts. but not more than 45 cwts., unladen ...	32 8 0	50 0 0
(*d*) Weighing more than 45 cwts. but not more than 60 cwts., unladen ...	40 0 0	60 0 0
(*e*) Weighing more than 60 cwts., unladen	50 0 0	75 0 0
(*f*) Additional fee payable in respect of such vehicles when used for drawing trailers—		
	10 0 0	15 0 0
	20 0 0	30 0 0

SCHEDULE IV A.

The Vehicle Tax.—(Section 6 (a)).

	Class of Vehicles	*Annual Tax*
		Rs.
1	Motor Cycles	15
2	Motor cars, constructed or adapted to carry in all not more than seven persons including the driver—	
	(*a*) Weighing not more than 14 cwts., unladen ...	30
	(*b*) Weighing more than 14 cwts., unladen	40
3	Motor cars constructed or adapted to carry eight persons or more including the driver	60
4	For heavy motor cars, *i.e.*, motor cars exceeding two tons in weight, unladen	100

Privileges and exemptions which a vehicle is entitled to and the conditions and limitations therefor.

1. The vehicle shall be exempt from Municipal tolls either of the Municipal Council within the limits of which the owner resides or of that in the limits of which he carries on business in respect of which the vehicle is used, at his option, which shall be exercised at the time of the payment of the tax.

A vehicle kept outside the limits of any municipality shall be free from the tolls of the municipality nearest the place of residence of the owner or his principal place of business, as the case may be, provided that such municipality is within a radius of five miles from such place. If the place is equidistant from two municipalities, the vehicle shall be free from tolls at the municipality elected and declared by the owner at the time of the payment of the tax, provided that the declaration made shall not be subject to variation during the year.

2. The vehicle shall continue to have all the privileges and exemptions to which it was entitled on payment of the Municipal Vehicle Tax, both in the municipality in which such tax is payable and in other municipalities under any reciprocal arrangements that may have been in force at the commencement of this Regulation.

3. The exemption from tolls specified above shall apply only at the ordinary toll-gates and shall not apply to *ad-hoc* toll-gates established on a newly constructed public road for the recovery of the amount expended upon such public road and the bridge or causeway, if any, over which it may lie.

SCHEDULE IV B.

Road Tax.—(Section 6 (b.))

Class of Vehicles	Quarterly tax	
	Vehicles fitted with pneumatic tyres on all wheels	Other Vehicles
	Rs. a. p.	
1. Motor lorries not let or plied for hire or reward :		
(*a*) Not exceeding 15 cwt. in weight, unladen	30 0 0	45
(*b*) Exceeding 15 cwt. but not exceeding 25 cwt. in weight, unladen...	50 0 0	70
(*c*) Exceeding 25 cwt. but not exceeding 30 cwt. in weight, unladen. .	70 0 0	90
(*d*) Exceeding 30 cwt. but not exceeding 35 cwt. in weight, unladen...	90 0 0	115
(*e*) Exceeding 35 cwt. but not exceeding 50 cwt. in weight, unladen...	112 8 0	150
(*f*) Exceeding 50 cwt. but not exceeding 70 cwt. in weight,unladen ...	150 0 0	185
(*g*) Exceeding 70 cwt. but not exceeding 100 cwt. in weight, unladen.	175 0 0	225
(*h*) Additional tax payable in respect of such vehicles when used for drawing trailers :		
(i) For each trailer not exceeding 1 ton in weight, unladen ...	60 0 0	85.
(ii) For each trailer exceeding 1 ton in weight, unladen... ...	125 0 0	150
Provided that two or more vehicles shall not be chargeable under this clause in respect of the same trailor.		
2. Motor lorries let or plied for hire or reward.	One and half times the rate prescribed for each respective class of vehicle under 1 above.	

Provisos.—

1. (*a*) Lorries other than those let or plied for hire shall be exempt from tolls other than those levied by a Municipal Council in the area in which they have the permit for working in accordance with sub-section (3) of section 19.

(*b*) While working outside the said area on special permits they are liable to both Government and Municipal tolls.

(*c*) They shall further be entitled to the privileges and exemptions specified in schedule IV A.

2. Lorries let or plied for hire or reward shall be exempt from tolls other than those levied by a Municipal Council in the area in which they have the permit provided that, on roads which the Board may declare as competing with the Railways in respect of traffic they may be subject to the payment of tolls.

SCHEDULE IV C.

Service Tax.—(Section 6 (c)).

Class of Vehicles	Quarterly tax	
	Vehicles fitted with pneumatic tyres on all wheels	Other Vehicles
	Rs a. p.	Rs. a. p.
1. Motor cabs and motor buses other than (2) below :—		
(*a*) Vehicles licensed under the Mysore Motor Vehicles Rules, to carry in all not more than four passengers.	30 0 0	45 0 0
(*b*) Vehicles licensed under the Mysore Motor Vehicles Rules to carry more than four passengers for every passenger which the vehicle is so licensed to carry	7 8 0	11 4 0
2. Motor cabs and motor buses used for hire for a strictly limited purpose.	25 0 0	37 8 0

Provisos.—

1. In the case of motor cabs one seat for the driver and in the case of motor buses two seats, one for the driver and one for the conductor, shall not be taken to account for purposes of calculating this tax.

2. A motor vehicle is said to be let for hire for a limited purpose when it satisfies the following conditions :—

(*a*) The vehicle is owned by a public institution like a hotel or school,

(*b*) It is used exclusively for the business of such institution that is, for the conveyance of its members, clients or, workmen.

42

(*c*) It is used within the limits of the Municipality in which it is kept.

(*d*) It is not available for hire by the general public.

3. Motor cabs and motor buses paying the service tax shall further be entitled to the privileges and exemptions specified in schedule IV (*a*).

SCHEDULE IV D.

Mileage Cess.

Class of Vehicles	*Rate of Tax.*
Motor buses—	
(*a*) when plying on ordinary permits as part of a regular service	Six pies per mile.
(*b*) when plying on special permits in other cases	Nine pies per mile.

Proviso.—

Buses paying the mileage cess are exempt from all tolls levied either by the Government or a Municipal Council, except those levied at toll-gates established on a newly constructed public road for the recovery of the amount expended on such public road and the bridge or causeway, if any, over which it may lie.

Statement of Objects and Reasons.

In October 1932, the Government appointed a Committee with Sir Charles Todhunter as President, to enquire into the matter of the regulation and taxation of motor transport. The Committee submitted their report and made detailed recommendations. The Government considered their recommendations and propose to introduce a Bill to give effect to such of the recommendations of the Committee as have been accepted by Government in Government Order No. Camp, 6-55—Legis. 38-33, dated 18th June 1934 and cannot be brought into force under the existing Regulations and Rules. The main provisions of the Bill are detailed below :

PART I.

PRELIMINARY

Clause 2.—This clause defines the several expressions used in the Regulation.

Clause 3.—The Chief Commissioner's Notification No. 274, dated 4th November 1870 regarding levy of toll is repealed and separate provision made in Part IV for the levy of tolls on roads and bridges. The provision in the

Mysore District Boards Regulation, 1926, for a similar levy by those bodies is also repealed.

PART II.

CLAUSES 4 AND 5.

These clauses empower the Government to create a central co-ordinating and licensing authority, called the Traffic Board, consisting of official and non-official members, the latter including a representative each of the motor bus-owners, other owners of motor conveyances, agricultural interests and commercial interests. The Chairman of the Board will be appointed by the Government

The Board will be the central authority under the Government to administer generally the Motor Vehicles Regulation, the Road Traffic and Taxes Regulation, the Highways Regulation and the rules under them. It will be the function of the Board to secure the provision of a properly co-ordinated system of Public Service Motor Transport to control the number and distribution of public service motor vehicles to the routes on which they should ply. The Board will also have the power to hold enquiries in cases of accidents of a serious nature connected with motor vehicles.

PART III.

TAXATION.

The taxes leviable and the maximum rates at which they are leviable are provided in this part. The manner of the levy and the procedure for the payment of the tax and obtaining of licenses and the display of the same on vehicles are prescribed. Penalties for failure to pay tax or to exhibit license are also provided.

Provision is made for recovery of tax as an arrear of land revenue. Power is vested in the Government to make an exemption, reduction in the rate of tax or other modification in regard to a tax payable in certain cases.

PART IV.

TOLLS.

This part is intended to give a statutory basis to a system of levy of toll fees on vehicles which has been in

existence since the year 1876. Government propose to take over the power to levy tolls from District Boards also and section 66 of the District Boards Regulation, 1926, which now empowers the District Boards to levy tolls will be repealed, the intention being to have a uniform system of toll levy, exemptions, etc., on all roads whether provincial or District Board.

The Government is empowered to cause the levy of tolls not exceeding those mentioned in the schedule onany road, or bridge in Mysore constructed or repaired by the Government or any District Board constituted under the Mysore District Boards Regulation, to establish toll bars and to appoint collectors. Provision is made to have suitable machinery for recovery of toll by attachment and destraint of property with necessary safe-guards. There is also provision included for the composition of tolls, exemptions from tolls, or reduction in rate of tolls in certain cases.

PART V.

Certain special provisions have been considered necessary in regard to motor lorries. All lorries private as well as public will be required to take permits for use of public roads. Power is given to prescribe conditions while granting permits as regards area for plying, the goods or persons that could be carried, etc.

PART VI.

GENERAL.

Motor vehicles used for agricultural purposes are exempted from taxation. The power of Municipalities to levy vehicle tax on motor vehicles and tolls on such motor vehicles, as are exempted from municipal tolls by this Regulation, is taken away. Provision is made to compensate District Boards and Municipalities for loss of revenue from tolls and vehicle tax and such of the local bodies as are getting a share of the road mileage cess will continue to get it.

Printed by the Superintendent at the Government Press, Bangalore.

NOTIFICATION.

No. P. 6384—Legis., dated Bangalore,
21st May 1935.

Under Standing Order No. 49 of the Standing Orders for the conduct of business of the Mysore Legislative Council, the following Report of the Select Committee on the Mysore Road Traffic and Taxes Bill, is published for general information.

By Order,

C. SUBRAHMANYA AIYAR,
Secretary,
Mysore Legislative Council.

REPORT OF THE SELECT COMMITTEE ON THE MYSORE ROAD TRAFFIC AND TAXES BILL.

We, the undersigned members of the Select Committee to which the Mysore Road Traffic and Taxes Bill was referred, have considered the Bill at our meetings held on the 26th and 27th February 1935 and on the 8th, 9th, 13th and 14th March 1935 and have now the honour to submit this our report together with a copy of the Bill as amended by us.

2. *Clause 2* (7). The definition of "motor lorry" as in the Bill would include small trailers used for carrying the personal luggage of private motor car owners. It is the opinion of the Committee that they should be excluded from the definition of "lorries" and, not be subject to a heavy road tax. We have therefore added the following words at the end of the definition of "motor lorry":—

"but does not include a trailer when drawn by a motor car constructed or adapted solely for the carriage of not more than seven persons including the driver and used for the carriage of their effects."

3. *Clause 4* (2).—As we consider that it will be useful to have a representative of local bodies on the Traffic Board, we have added the words "a representative of the local authorities in the State and" after the word "include" in clause 4 (2).

4. *Clause 5 sub-clauses (1) to (4).*—We have split up sub-clause (4) of clause 5 into two sub-clauses and rearranged sub-clauses (1) to (4).

Sub-clause (1) will be :—

"The Government may by notification invest the Board either absolutely or subject to conditions with such powers as may be necessary for the purposes mentioned in sub-section (1) of section 4."

Sub-clauses (1), (2) and (3) will be renumbered (2), (3), and (4).

A new sub-clause as follows will be added as sub-clause (5).

"The Government may prescribe the mode in which the Board shall conduct its business."

5. *Sub-clause (5) of clause 5 of the Bill.*—(1) The provision regarding holding of enquiries by the Traffic Board may come in as a separate section and we have accordingly numbered sub-clause (5) of clause 5 of the Bill as clause 6.

(2) For facilitating an enquiry, the Board should have power to summon witnesses and documents. We have accordingly redrafted sub-clause (5) (a) of clause 5 of the Bill as follows :—

"6. (1) The Board may hold an inquiry or direct inquiry to be made in regard to any accident arising out of the presence of a motor vehicle on a public road whereby damage or injury has been caused to person or property, and the Government may invest, by rules, the Board or such person as may be authorised by the Board in this behalf with such powers as may be necessary for the holding of such inquiry and for summoning and enforcing the

attendance of witnesses and compelling the production of documents, and prescribe the procedure to the followed at such inquiry."

6. We are of opinion that it is necessary and useful to have advisory committees in each district to advise the Traffic Board on traffic and other connected matters in the district. We have accordingly inserted the following new clause as clause 7 regarding the constitution of District Traffic Advisory Committees.

"7. (1) The Government may constitute an advisory committee for each district designated the District Traffic Advisory Committee consisting of the Deputy Commissioner who shall be chairman and such other members including the President of the District Board as may be appointed by the Government from time to time. District Traffic Advisory Committees.

(2) It shall be the duty of the District Traffic Advisory Committee—

(i) to consider, report to and advise the Board on any matter relating to traffic within the district;

(ii) to make representations to the Board with respect to any matter connected with the transport services and facilities in the district which are in the opinion of the committee to be considered by the Board, and

(iii) to consider, report to and advise the Board on any other matters which are referred to them by the Board."

7. *Clause 6 of the Bill.*—(1) We have added the words "used or" between the words "vehicles" and "kept for use" in order to make it clear that liability to taxation arises from the use of public roads in Mysore.

(2) Since under clause 21 of the Bill motor vehicles used solely for purposes of agriculture are exempted from all taxes except vehicle tax and since we are of opinion that lorries used for such purposes should be subject to a vehicle tax, we have inserted the words "and motor lorries used solely for purposes of agriculture" after the words "motor cars" in item (*a*), deleting the word "and" between "motor cycles" and "motor cars."

8. *Clause 7 of the Bill.*—(1) In sub-clause (2) we have substituted the words "by the registered owner or the person having possession or control of the motor vehicle" for the words "by the person who keeps a motor vehicle for use," so that the wording may be uniform with sub-clause (1) of clause 7 and clauses 8 and 9 of the Bill.

(2) Sub-clause (3) has been re-drafted as follows:—

"Taxes other than the vehicle tax shall be payable for the quarter and in advance. The taxes due for two or more consecutive quarters of the same year may be paid in advance."

9. *Clause 12 of the Bill.*—Some of the members of the committee considered that a specific provision exempting bullock carts from tolls should be incorporated in clause 12. The majority of the committee were of the opinion that it was not desirable to embody in the Regulation an exemption in respect of one category of vehicles and that as the existing exemptions in respect of bullock carts have been granted by executive orders of the Government, these exemptions may be continued by the Government under the powers vested in them by clause 18 of the Bill. Further these carts are at present subject to the levy of tolls at the District Fund toll gates of certain districts and the statutory exemption of all bullock carts from the payment of tolls would raise difficulties in the matter of the amount of compensation payable to District Boards for loss of toll revenue.

10. *Clause 13 of the Bill.*—It is considered desirable that before deciding to establish a new toll bar on a road maintained by the District Board or to abolish an existing toll bar on such road the District Board should be given an opportunity of expressing its view. We have therefore added the following proviso to this clause.

"Provided that when it is proposed to establish a new toll bar on a road maintained by a District Board or to abolish an existing toll bar on such a road such District Board shall be given an opportunity of expressing its opinion on the proposal, before a decision is come to."

11. The payment of toll is sometimes evaded by leaving the road on which a toll bar has been located and passing over land adjacent to the toll bar. In order to

prevent such evasion, we consider it desirable to prohibit vehicles or animals from passing over land within a radius of two furlongs from the toll bar without payment of toll. We have therefore added a clause as follows after clause 14 of the Bill. This is in accordance with section 109 of the Madras Local Boards Act (1920).

"No person shall with intent to evade payment of toll cause a vehicle or animal to leave a road on which a toll bar has been placed and pass over any land within a quarter of a mile therefrom, such land not being either a public road or land of which such person is the owner or occupier."

Evasion of payment of tolls.

12. *Clause* 17 (1) *of the Bill.*—The words "newly constructed" in this clause are not sufficiently definite. The intention is that the composition of tolls under this clause will apply only to the ordinary toll bars and will not cover tolls leviable at *ad hoc* toll bars established on recently constructed public roads and bridges for the recovery of the amount expended upon them. It is the opinion of the Committee that such tolls not covered by the composition fee under this clause should be limited to those levied at the toll bars on the Hemavati bridge at Akkihebbal, on the Cauvery bridge at T. Narasipur, on the Hemavati bridge at Gorur and on the Krishnarajasagara Dam and to those that may be established hereafter over roads or bridges constructed after the coming into force of this Regulation. We have therefore substituted for the words "on a road newly constructed" in clause 17 (1), the following words:—

"on any road or bridge specified in Schedule V or a road or bridge constructed after the coming into force of this Regulation."

(2) We have added the words "or bridges" after the words "upon such road."

(3) We have added another schedule as follows:—

"SCHEDULE V.

RECENTLY CONSTRUCTED ROADS AND BRIDGES.

(*Section* 20).

(i) The road and bridge over the Cauvery at T. Narsipur.

(ii) The road and bridge over the Cauvery at Krishnarajasagara.

(iii) The road and bridge over the Hemavati at Gorur.

(iv) The road and bridge over the Hemavati at Akkihebbal."

13. (1) The Committee are of opinion that facilities for composition of tolls leviable at any one toll bar may be given in respect of motor cycles, motor cars, motor buses and bullock carts not laden with timber. We do not propose to allow such composition in respect of frontier toll bars and would limit such composition for each vehicle to any one toll bar. We have therefore added a clause as follows after present clause 17.—

Composition of tolls in respect of single toll bars.

21. Subject to such conditions as may be prescribed by the Government in this behalf, any person may, in respect of any of the following vehicles belonging to him, namely, (*a*) a motor cycle or (*b*) a motor car not exceeding 30 cwt. in weight unladen and constructed or adapted for the carriage of not more than seven persons including the driver or (*c*) a motor bus or (*d*) a cart drawn by a single bullock or two bullocks, pay in lieu of all tolls payable at any one toll bar established under this Regulation other than a frontier toll bar, an annual composition fee at rates not exceeding the maxima specified in schedule IV (B).

Provided that such composition under this section shall not—

(i) be allowed in respect of more than one toll bar for any such motor cycle, motor car, motor bus, or cart ; and

(ii) exempt such cart from tolls when laden with timber."

(2) We have added a Schedule IV B after Schedule II of the Bill indicating an annual composition fee in respect of any one toll bar at the following rates :—

		Rs.	a.	p.
Motor cycles	....	15	0	0
Motor cars	....	30	0	0
Motor buses	....	200	0	0
Carts	....	7	8	0

14. We consider it necessary that all taxes, tolls and fees collected under this Regulation should be credited to a special fund called the "Road Fund" and the proceeds thereof after deducting all charges thereon and payments to be made to local authorities under clause 24 of the Bill should be used on the construction and maintenance of roads and bridges in Mysore. Further, it is our opinion that the Traffic Board should have administrative powers over the Road Fund, subject to the control of the Government. Accordingly, we have inserted the following clauses as a separate part after Part V in regard to the constitution of the Road Fund.

"PART VI—ROAD FUND.

"25. All taxes, tolls and fees paid under this Regulation, the Mysore Motor Vehicles Regulation, 1928, and the Mysore Highways Regulation, 1920, shall be credited to a special fund, to be designated the Road Fund, to which fund shall also be credited such other sums as the Government may, from time to time, direct.

"26. The Road Fund will be debited under the orders of the Government with the following charges, that is to say,

(1) such amount as the Government may, from time to time, determine on account of the expenses incurred in the carrying into effect of the Regulations mentioned in section 25 and the rules made thereunder,

(2) payments made to local authorities under section 32, and

(3) allotments made at the discretion of the Government for such other purposes not hereinbefore mentioned as may be consistent with or necessary for the more efficient administration of the Regulations mentioned above or the rules made thereunder.

"27. The proceeds of the Road Fund after deducting the charges under section 26 shall be used on the construction and maintenance of roads and bridges in Mysore.

"28 The Board shall administer the Road Fund subject to the control of the Government in such manner as may be ordered by the Government from time to time."

15. (1) *Clause* 21 *of the Bill.*—In the explanation to this clause, we have added the words "along a public road" after the word "produce" and the words "and section 8" after the words "this section."

(2) Some of the members suggested that only a motor vehicle for hire used for transport of agricultural produce should not be deemed to be used solely for the purposes of agriculture. The majority were of the opinion that the explanation to this clause may stand it is.

16. *Clause* 24 *of the Bill.*—(1) We have added the words "after consulting the District Board or Municipal Council concerned" after the words "a sum determined by the Government" in sub-clause (1).

(2) *Sub-clause* (3).—The Committee are of the opinion that there should be periodical revisions of the amounts payable to the local authorities. We have therefore re-drafted sub-clause (3) as follows :—

"At the end of three years from the commencement of this Regulation, the Government may, after consulting the District Board or Municipal Council concerned, prescribe the manner in which and the periods for which the amount payable thereafter to such District Board or Municipal Council shall be paid."

17. *Clause* 25 *of the Bill.*—We are of opinion that the condition of previous publication may be applied to rules made in respect of tolls also. We have therefore deleted the words "except in respect of rules relating to matters falling under Part IV of this Regulation."

18. *Schedule II of the Bill.*—This has been renumbered as Schedule III.

(*a*) In item 2 of A, the words "four wheeled" have been omitted.

(*b*) In item 4 of A, the words "four wheeled" have been inserted between the words "every" and "motor bus."

(*c*) We have deleted item 6.

(*d*) In Item 8 of A, we have deleted the words "fuel, bamboos, or stone."

(*e*) *Item* 5 *of B.*—We consider that tricycles and bicycles need not be made liable to toll. We have

therefore substituted the word "excluding" for "including" in this item.

(*f*) *Item 16 of B.*—We have deleted the words "fuel, bamboos or stone," imposing toll at this rate only on carts laden with timber.

(*g*) We have deleted items 11 & 12 of C.

(*h*) We have re-drafted the provisos herein as follows:—

(1) "Double the rate of tolls prescribed above may be levied in the case of carts referred to in items 6, 8, 10 12 and 14 of B, if laden and entering the State at a frontier toll bar.

(2) Double the rate of tolls prescribed above may be levied in the case of carts referred to in items 6, 8, 10, 12 and 14 of B when such carts are laden with timber.

(3) The Government may prescribe lower rates of tolls than those prescribed in this schedule on carts fitted with tyres over 2½ inches in width or with pneumatic tyres."

19. *Schedule III of the Bill.*—(1) This is re-numbered as Schedule IV A.

(2) In regard to new section 21 which we have inserted, we add the following new schedule:—

"SCHEDULE IV B. (*Section 21*).

Rate of fee for composition in respect of a single toll bar for certain vehicles.

Class of vehicle	*Amount of annual fee.*		
	Rs.	a.	p.
(*a*) Motor cycles	15	0	0
(*b*) Motor cars weighing not more than 30 cwt. in weight unladen and not constructed or adapted to carry more than seven persons including the driver.	30	0	0
(*c*) Motor buses	200	0	0
(*d*) Carts drawn by a single bullock or two bullocks ..	7	8	0"

20. *Schedule IV A of the Bill.*—(1) This is re-numbered as Schedule II A.

(2) In pursuance of the amendment proposed in clause 6 of the Bill, we have added the following new item as item 5 :—

	Annual tax Rs.
"5. Motor Lorries used solely for purposes of agriculture.	60 "

(3) The Committee are of opinion that on payment of the vehicle tax, a motor vehicle should be exempt from tolls at all the municipal toll bars in the State. We have therefore deleted "Privileges, etc.," and items 1 to 3 thereunder and inserted the following :—

"*Privileges and Exemptions.*—The vehicle shall be exempt from all municipal tolls."

21. *Schedule IV B of the Bill.*—(1) This has been re-numbered as Schedule II B.

(2) We have added the words "without trailers" after the words "motor-lorries" in item 1.

(3) We have added the following after item (g) :—

	Rs.
"exceeding 100 cwt. in weight unladen ...	250 300

(4) Since the schedule does not cover the cases of motor lorries used for the carriage of goods and also passengers, we have made the following changes :—

The words "and used for the carriage or haulage of goods only" are added after the word "reward" in item 2.

The following is inserted as item 3 :—

"3. Motor lorries let or plied for hire or reward and used for the carriage or haulage of goods and passengers—

(*a*) a tax as on a motorlorry under item (2) above, having a weight which bears to the unladen weight of the vehicle the same proportion as the floor area set apart for the carriage of goods bears to the total floor area of the vehicle, together with,

(*b*) a service tax calculated at the rate specified in schedule II C for every passenger which the vehicle is licensed to carry, and

(*c*) a mileage cess as on motor buses under Schedule II D.

Explanation.—Goods in items 2 and 3 above do not include light personal effects of passengers.

(5) We have re-drafted the provisos as follows :—

" 1. (*a*) Motor lorries not let or plied for hire or reward shall be exempt from tolls other than those levied by a municipal council in the area in which they have the permit for working in accordance with sub-section (3) of section 23.

(*b*) While working outside the said area on special permits, they are liable to both Government and Municipal tolls.

(*c*) Such motor lorry shall be exempt from all municipal tolls either of the municipal council within the limits of which the owner resides or of that in the limits of which he carries on business in respect of which the vehicle is used at his option, which shall be exercised at the time of the payment of the tax.

Such motor lorry kept outside the limits of any municipality shall be free from the tolls of the municipality nearest the place of residence of the owner or his principal place of business, as the case may be, provided that such municipality is within a radius of five miles from such place. If the place is equidistant from two municipalities, such motor lorry shall be free from tolls at the municipality elected and declared by the owner at the time of the payment of the tax, provided that the declaration made shall not be subject to variation during the year.

" (2) Motor lorries let or plied for hire shall be exempt from tolls other than those levied by a municipal council in the area in which they have the permit provided that, on roads which the Board may declare as competing with the Railways in respect of traffic, they may be subject to the payment of tolls.

" (3) The provisios to Schedule II C and II D will also be applicable to the cases of vehicles under item 3 above."

22. *Schedule IV C of the Bill.*—(1) We have renumbered this as Schedule II C.

(2) It was suggested by some members that the service tax on motor buses may generally be reduced to Rs. 6 per seat, but this was not agreed to by the majority of the Committee. We consider that some concession may be shown in respect of short service buses in rural areas.

We have therefore substituted the following items for those in the schedule :—

	Rs.	a.	Rs.	a.
"1. Motor cabs other than (3) below"				
(*a*) licensed to carry in all not more than four persons, ...	30	0	45	0
(*b*) licensed to carry more than four persons, for every person which the vehicle is so licensed to carry, ...	7	8	11	4
2. Motor buses other than (3) below				
for every person whom the vehicle is licensed to carry				
(*a*) on routes graded as class I by the Board	7	8	11	4
(*b*) on routes graded as class II by the Board	6	0	9	0
3. Motor cabs and motor buses used for hire for a strictly limited purpose ...	25	0	37	8"

(3) We have re-drafted proviso 3 as follows :—

"Motor cabs and motor buses paying service tax shall be exempt from municipal tolls either of the municipal council within the limits of which the owner resides or of that in the limits of which he carries on business in respect of which the vehicle is used, at his option, which shall be exercised at the time of the payment of the tax.

"A motor cab or motor bus kept outside the limits of any municipality shall be free from the tolls of the municipality nearest the place of residence of the owner or his principal place of business, as the case may be, provided that such municipality is within a radius of five miles from such place. If the place is equidistant from two municipalities, the motor cab or motor bus shall be free from tolls at the municipality elected and declared by the owner at the time of the payment of the tax, provided that the declaration made shall not be subject to variation during the year."

23. *Schedule IV D of the Bill* :—(1) We have renumbered this as Schedule II D. Some members were of the opinion that the mileage cess should be fixed at so much per seat per mile and not fixed at six pies per mile irrespective of the seating capacity. After examining the several proposals, the majority of the committee decided to retain the rate as in the schedule.

(2) We have re-drafted the proviso as follows :—

"Motor buses paying the mileage cess are exempt from all tolls levied either by the Government or a municipal council

except those levied at toll bars established on any road or bridge specified in Schedule V or a road or bridge constructed after the coming into force of this Regulation, for the recovery of the amount expended on such road or bridge."

24. In respect of the clause 17 of the Bill as amended, we have inserted the following as Schedule V.

SCHEDULE V.

RECENTLY CONSTRUCTED ROADS AND BRIDGES.

(*Section* 20).

(i)	The road and bridge over	the Cauvery at T.-Narsipur.
(ii)	do	the Cauvery at Krishnarajasagara.
(iii)	do	the Hemavati at Gorur.
(iv)	do	the Hemavathi at Akki-Heblal

25. We have made certain verbal changes which are indicated in the Bill as annexed hereto.

26. As there have been a large number of amendments, we consider that republication of the Bill is necessary.

K. MATTHAN (Chairman).
F. A. HAMILTON.
N. N. IYENGAR.
C. S. KUPPUSWAMY IYENGAR.
H. D. SINCLAIR.
B. K. GARUDACHAR.
F. L. SILVA.
G. CHANNAPPA.
S. ABDUL WAJID.
K. R. SRINIVASA IYENGAR
(Subject to a note).
A. L. HILL (Subject to a note).
H. C. DASAPPA (Subject to a note of dissent on some points which has not been received).
K. CHENGALARAYA REDDY.
H. B. GUNDAPPA.
Intimation as to assent not yet received.

Note by Rajasabhabushana, K. R. Srinivasa Iyengar.

The Bill as Revised by the Select Committee.

Clause 16 (2).—When only the actual amount of the toll can be recovered by bringing to sale the properties seized for the purpose, I do not see why double the amount of the toll should be required to be paid, under the proviso, for obtaining the release of the property before sale. In this view, I am of opinion that the words "double the" in line 4 of the proviso may be omitted.

Clause 20 (3).—If it is the intention that rebate should be allowed (as I think it ought to be, as in the Madras Presidency) for portions of a quarter also, the last sentence of this sub-clause should come as a separate sub-clause (4).

Clause 23 (3).—I think that conditions (*b*) and (*c*) should not be made applicable to lorries which are licensed to be let or plied for hire or reward and that this should be expressly stated.

Schedule II D.—I am of opinion that instead of making the mileage cess uniform for all buses irrespective of their seating capacity, it will be more rational to fix the cess for each bus according to its seating capacity, *i.e.*, at so much per passenger (based on seating capacity) per mile.

Note by Mr. A. L. Hill.

Recently Constructed Roads and Bridges. I was under the impression that those over the Cauvery at Krishnarajasagara alone were to come under Schedule V. I consider that the other three mentioned should not be included in the Schedule.

Vehicles and Taxation.—I consider that motor vehicles without pneumatic tyres should not be allowed on the roads. If they are to be allowed, I consider all taxes and tolls on them should be double those on corresponding vehicles with pneumatic tyres.

Tolls.—I do not consider the provision for lower tolls on bullock carts with pneumatic tyres sufficiently encouraging. Such carts should at least be free of tolls for ten years.

Municipal Taxation.—At the time that the Road Traffic and Taxes Regulation comes into force the

f Municipalities to levy octroi duty on petrol (and any ther requirements of motor transport) should cease, the ecessary legislation be simultaneous.

BILL AS AMENDED BY THE SELECT COMMITTEE.

N.B.—Portions added by the Select Committee are indicated in italics and portions deleted by them are enclosed in square brackets.

~~NOTIFICATION.~~

The Mysore Road Traffic and Taxes Bill.

Whereas it is expedient to make further provision for the regulation of traffic on roads and to provide for the levy of certain taxes on motor vehicles ; Preamble.

And whereas it is expedient to amend the law relating to tolls ;

It is hereby enacted as follows :—

PART I—PRELIMINARY.

1. (1) This Regulation may be called the Mysore Road Traffic and Taxes Regulation, 193 . Short title.

(2) It extends to the whole of Mysore. Local extent.

(3) It shall come into force on such date as the Government may, by notification in the Official Gazette, direct. Commencement.

2. In this Regulation, unless there is anything repugnant in the subject or context,— Definitions.

(1) "the Board" means the Traffic Board constituted under this Regulation ;

(2) "licensing officer" means an officer appointed by the Government to exercise the powers and perform the functions of a licensing officer under this Regulation ;

(3) "motor bus" means a public service motor vehicle which is used for the carriage of persons and has seating accommodation for eight or more persons inclusive of the driver ;

(4) "motor cab" means a public service motor vehicle used for the carriage of persons, other than a motor bus ;

(5) "motor car" means a motor vehicle which is not a public service motor vehicle or a motor cycle or a motor lorry;

(6) "motor cycle" means a motor vehicle without a carriage body running on not more than three wheels and weighing not more than eight hundred-weights unladen and includes an auto-wheel and a motor scooter;

(7) "motor lorry" means a motor vehicle which is ordinarily used for the carriage or haulage of goods or goods and passengers and includes a trailer when so used, *but does not include a trailer when drawn by a motor car constructed or adapted solely for the carriage of not more than seven persons including the driver and used for the carriage of their effects*;

(8) "motor vehicle" has the same meaning as in the Mysore Motor Vehicles Regulation, 1928;

(9) "prescribed" means prescribed by rules made under this Regulation;

(10) "private motor vehicle" means any motor vehicle which is not a public service motor vehicle;

(11) "public road" means any street, road, pathway, square, court, alley, passage or riding path over which the public have a right of way, whether a thoroughfare or not and includes the road-way over any public bridge or causeway;

(12) "public service motor vehicle" means a motor vehicle which is let or plied for hire or reward;

(13) "registered owner" means the person in whose name a motor vehicle or trailer is registered under the Mysore Motor Vehicles Regulation, 1928;

(14) "side car" means a wheeled carrier attached to a motor vehicle which motor vehicle rests on not more than two wheels;

(15) "tax" includes a tax, cess or fee imposed under this Regulation or rules thereunder;

(16) "trailer" means any vehicle other than a side car drawn or propelled or intended to be drawn or propelled by a motor vehicle;

(17) "unladen weight" in relation to a motor vehicle or trailer means the weight of the vehicle or trailer including all parts and equipment which are necessary for and ordinarily used with the vehicle or trailer when working. Where alternative parts or bodies are used, the heaviest part or body shall be taken into account for the purpose of calculating the unladen weight; and

(18) "year" means the financial year, "half-year" means the first six months or the second six months of such year and "quarter" means the first three months or the second three months of such half-year.

Repeal of certain enactments.

3. The enactments mentioned in Schedule I are hereby repealed to the extent and in the manner specified in the fourth column thereof.

Provided that (*a*) the said repeal shall not affect the validity of anything done or the liability of any person to pay any sum due from him under the enactments hereby repealed, (*b*) any appointment, notification, notice, order, license, permission, rule, form, tax, fee, cess or rate, made, issued, given or imposed, toll bars established, contracts entered into and suits and other proceedings instituted under enactments hereby repealed, shall, so far as may be, be deemed to have been made, issued, given, imposed, established, entered into and instituted under this Regulation.

PART II—ADMINISTRATIVE.

Constitution of the Traffic Board.

4. (1) For the purpose of carrying out the provisions of this Regulation, the Mysore Motor Vehicles Regulation, 1928, and the Mysore Highways Regulation, 1920, and the rules made under them, the Government may appoint, subject to the conditions hereinafter provided, persons, official and non-official, residing within Mysore to constitute a Traffic Board.

The composition of the Traffic Board.

(2) The Board shall, subject to such exceptions and conditions as the Government may from time to time make and impose, include *a representative of the local authorities in the State, and* representatives of the owners of private motor vehicles, the users and proprietors of public service motor vehicles and persons having interests in agriculture, trade or commerce in Mysore.

(3) The manner and mode of selecting such representatives shall be in accordance with rules prescribed in this behalf.

(4) The Government may appoint one of the members of the Board as its Chairman and an officer in the service of the Government who may or may not be a member of the Board as its Secretary.

(5) The Chairman and the members of the Board shall hold office for the prescribed period, provided that the

Government may by order at any time remove any member and on such removal his seat on the Board shall become vacant.

(6) Casual or other vacancies in the Board shall be filled up by the Government in accordance with rules prescribed in this behalf.

The duties and powers of the Board.

5. (1) *The Government may by notification invest the Board either absolutely or subject to conditions with such powers as may be necessary for the purposes mentioned in sub-section* (1) *of section* 4.

(2) [(1)] It shall be the general duty of the Board so to exercise its powers as to secure the provision of an adequate and properly co-ordinated system of public service motor transport and for that purpose, while avoiding the provision of unnecessary and wasteful competitive services, to take from time to time such steps as it considers necessary for extending and improving the facilities for such transport in such manner as to provide most efficiently and conveniently for the needs thereof.

(3) [(2)] Subject to such rules as may be prescribed, the Board shall control the number and distribution of public service motor vehicles and for this purpose shall, in particular, perform the following duties, that is to say:

(*a*) From time to time, it shall fix the routes on which public service motor vehicles may be permitted to ply;

(*b*) It shall from time to time determine the number of licenses and permits to be granted for each route and for this purpose shall be guided by the considerations setforth below;

(*c*) It shall generally supervise the regulation and control of public service motor vehicles.

(4) [(3)] When determining the number of licenses and permits to be allowed for each of the routes under sub-section (3) (b), the Board shall be guided by the following considerations, that is to say:

(*a*) the suitability and capacity of the road or roads or portions thereof covered by every proposed route for the carriage of public service motor vehicles;

(*b*) the extent, if any, to which the needs of the proposed routes or any of them are already adequately served;

(*c*) the extent to which the proposed service is necessary or desirable in the public interest ;

(*d*) the needs of the area as a whole in relation to traffic (including the provision of adequate, suitable and efficient services, the elimination of unnecessary services and the provision of unremunerative services) ; and

(*e*) the co-ordination of all forms of transport including transport by rail.

[(4)] [The Government may by notification invest the Board either absolutely or subject to conditions with such powers as may be necessary for the purposes mentioned in sub-section (1) of section 4, and]

(5) *The Government* may prescribe the mode in which the Board shall conduct its business.

Inquiry by Board.

6. (1) [(5)(*a*)] The Board may hold an inquiry or direct inquiry to be made in regard to any accident arising out of the presence of a motor vehicle on a public road whereby damage or injury has been caused to [any] person, [vehicle] or *property* [animal,] and the Government may invest, by rules, the Board or such person as may be authorised by the Board in this behalf with such powers as may be necessary for the holding of such inquiry *and for summoning and enforcing the attendance of witnesses and compelling the production of documents*, and prescribe the procedure to be followed at such inquiry.

(2) Nothing in this [sub] section shall be construed as in any way affecting, amending or modifying the provision of any other enactment relating to the holding of inquiries into such accidents by the Police or any other authority.

(3) Any report made by or to the Board as the result of an inquiry under this section shall not be used in evidence by or on behalf of any person by or against whom any legal proceedings are instituted in consequence of the accident to which the inquiry relates.

District Traffic Advisory Committee.

"7. (*1*) *The Government may constitute an advisory committee for each district designated the District Traffic Advisory Committee consisting of the Deputy Commissioner who shall be Chairman and such other members including the President of the District Board as may be appointed by the Government from time to time.*

(*2*) *It shall be the duty of the District Traffic Advisory Committee—*

(i) to consider, report to and advise the Board on any matter relating to traffic within the district;

(ii) to make representations to the Board with respect to any matter connected with the transport services and facilities in the district which are in the opinion of the committee to be considered by the Board; and

(iii) to consider, report to and advise the Board on any other matters which are referred to them by the Board."

PART III—TAXATION.

Imposition of taxes on motor vehicles.

8. [6.] The Government may, by notification in the Official Gazette, from time to time direct the levy of any or all of the following taxes on motor vehicles *used or* kept for use in Mysore at rates not exceeding those prescribed in Schedule II [IV] (A) to (D) and subject to the privileges, conditions, exemptions and limitations specified therein, that is to say—

(*a*) a vehicle tax on motor cycles, [and] motor cars *and* motor *lorries used solely for purposes of agriculture*,

(*b*) a road tax on motor lorries,

(*c*) a service tax on public service motor vehicles used for carrying passengers, and

(*d*) a mileage cess on motor buses.

Payment of tax and issue of license.

9. [7.] "(1) Upon the issue of a notification under section 8, [6] no motor vehicle shall be used on any public road in Mysore unless the registered owner or the person having possession or control thereof has obtained a license under sub-section (6) in respect of the vehicle.

(2) The vehicle tax imposed under section 8 [6] shall be payable for the year and in advance by *the registered owner or* the person [who keeps] *having possession or control of the* [a] motor vehicle [for use].

Provided that the Government may by notification allow [half-yearly period] payment of the tax *for half-yearly periods* at the rate of half the tax payable for the year.

(3) Taxes other than the vehicle tax shall be payable for the quarter and in advance [by the person who keeps a motor vehicle for use]. [Such person may pay in advance.] The taxes due for two or more consecutive quarters *of* [in] the same year *may be paid in advance.*

(4) Where a tax other than a vehicle tax for any motor vehicle has been paid for any Quarter and the vehicle has not been used during the whole of that quarter or a continuous part thereof, not being less than one calendar month, a refund of the tax at such rates as may from time to time be notified by the Government shall be payable subject to such conditions as may be specified in such notification.

(5) Notwithstanding anything contained in sub-section (1), no person shall be liable to tax during any period on account of any taxable motor vehicle, the tax due in respect of which for the same period has already been paid by some other person.

(6) When any person pays the amount of tax due in respect of any taxable motor vehicle in Mysore or proves to the satisfaction of the licensing officer that no tax is payable in respect of any motor vehicle, the licensing officer shall—

(i) grant to such person a license, in such form as may be notified by the Gavernment, to use the vehicle on public roads in Mysore for the period or periods concerned; and

(ii) record that the tax has been paid for a specified period or periods or that no tax is papable in respect of the vehicle as the case may be in the certificate of registration granted or renewed in respect of the vehicle under the rules made by the Government under the Mysore Motor Vehicles Regulation, 1928, or in the case of vehicles not registered under the said rules in a certificate in such form as may be notified by the Government.

Provided that the Government may exempt from the provision of this sub-section any person who has been exempted from the payment of tax in respect of any motor vehicle and prescribe the manner in which such exemption from payment of tax is to be indicated.

Carriage of license on vehicle.

10. [8] (1) The license granted in respect of a motor vehicle under sub-section (6) of section 9 [7] shall be exhibited upon the vehicle in such manner as may be notified by the Government and if such a license is not so carried upon such vehicle the registered owner or the person having possession or control thereof shall be punishable with fine which may extend to fifty rupees.

(2) The person in charge of any motor vehicle on any public road shall cause the vehicle to stop and to remain stationary so long as may reasonably be necessary

when required to do so by any officer under the control of the Board empowered in this behalf by the Government or any police officer in uniform who is not below the rank of Sub-Inspector or who being below such rank is empowered in this behalf by the Inspector-General of Police or the District Magistrate for the purpose of satisfying himself that a license has been obtained in respect of such vehicle for the period then current.

(3) Any person failing to stop a motor vehicle when required to do so by a Police Officer or any other officer empowered under sub-section (2) shall be punishable with fine which may extend to fifty rupees.

11. [9] If a tax due in respect of any motor vehicle has not been paid, the registered owner or the person having possession or control thereof shall be punishable with fine which may extend to fifty rupees; and the amount of the tax due by him in respect of such vehicle shall also be recovered as if it were a fine.

12. [10]. Any tax under this Regulation may also be recovered in the same manner as an arrear of land revenue. The motor vehicle in respect of which the tax is due or its accessories may be distrained or sold in pursuance of this section, whether such vehicle or accessories be or be not in the possession or control of the person liable to pay the tax.

13. [11]. The Government may by notification in the Official Gazette make an exemption, reduction in the rate or other modification in regard to a tax payable—

(i) by any person or class of persons, or

(ii) in respect of any motor vehicle or class of motor vehicles.

PART IV.—Tolls.

14. [12]. Subject to the rules prescribed by the Government in this behalf, the Government may cause such rates of tolls not exceeding those mentioned in Schedule III [II] hereto annexed, to be levied on any public road or bridge in Mysore, which has been, or shall hereafter be constructed or repaired at the expense of the Government, or any District Board constituted under the Mysore District Boards Regulation, 1926, and may place the collection of such tolls under the management of such persons as may appear to them proper, and all persons

employed in the management and collection of such tolls shall be liable to the same responsibility as would belong to them if employed in the collection of the land revenue.

Establishment of toll-bars.

15. [13]. The Government may, from time to time declare the roads on which and the places where tolls shall be levied, and may abolish the collection of tolls on roads on which such tolls have been declared leviable, and may authorise the erection or removal of any toll bar for the purpose of carrying out the provisions of this section.

Provided that when it is proposed to establish a new toll bar on a road maintained by a District Board or to abolish an existing toll bar on such a road such District Board shall be given an opportunity of expressing its opinion on the proposal, before a decision is come to.

Powers for recovery of toll

16. [14]. (1) In the case of non-payment of any such toll on demand, the persons appointed or duly authorised to collect the same may seize any of the *vehicles* [carriages] or animals on which it is chargeable or any part of their burden of sufficient value to defray the toll.

(2) If any such toll remains undischarged for twenty-four hours after the property has been seized *under* [as stated in] sub-section (1), the said property shall after twenty-four hours notice exclusive of Sunday or any public holiday, be sold by public auction for discharge of the toll and all expenses occasioned by such non-payment seizure and sale, by order of the officer authorised to superintend the collection of the said toll, who *shall* [may] cause any balance that may remain to be returned, on demand, to the owner of the property.

Release of seized property on tender of dues.

Provided that, if at any time before the sale has actually begun, the person whose property has been seized shall tender the amount of all the expenses incurred, and of double the toll payable by him, the said officer shall forthwith release the property seized.

(3) Any amount due on account of toll may also be recovered in the same manner as an arrear of land revenue.

Evasion of payment of tolls.

17. *No person shall with intent to evade payment of toll cause a vehicle or animal to leave a road on which a toll bar has been placed and pass over any land within a quarter of a mile therefrom, such land not being either a public road or land of which such person is the owner or occupier.*

Penalty.

18. [15]. Every person, other than the persons appointed or duly authorised to collect tolls under this Regulation, who shall levy or demand any toll on any public road or bridge, or for passing through any bazaar situated thereon, and also every person who shall unlawfully and extortionately demand, or take any other or higher toll than the lawful toll, or under colour of this Regulation seize or sell any property knowing such seizure or sale to be unlawful or in any manner unlawfully extort money or any valuable thing from any person under colour of this Regulation shall [be liable] on conviction before a Magistrate [to] *be punishable with* imprisonment for a term which may extend to six months or with fine which may extend to two hundred rupees, any part of which fine may be awarded by the Magistrate to the person aggrieved.

Penalty for fraudulently passing a toll bar.

19. [16]. Any person who fraudulently or forcibly passes any toll bar without paying the proper toll, or who obstructs the person appointed or duly authorised to collect the toll in the discharge of his duties, shall [be liable,] on conviction before a Magistrate, [to] *be punishable with* imprisonment for [any] a term [not exceeding] *which may extend to* three months or [to a] *with* fine [not exceeding] *which may extend to* fifty rupees.

Composition of tolls.

20. [17]. (1) Subject to such conditions as may be prescribed by the Government in this behalf any person may, in respect of a motor cycle, motor car or motor c belonging to him pay in lieu of all tolls other than tho levied at toll bars established on *any road or brid specified in Schedule V or a road or bridge construct after the coming into force of this Regulation* [a ro newly constructed] for the recovery of the amou expended upon such road or *bridge*, a quarterly compositic fee at rates not exceeding the maxima specified Schedule IV A [III.] The payment of such compositic fee shall exempt such vehicle from tolls levied by a municipal council.

(2) The composition fee payable under sub-sectic (1) shall be paid for the quarter and in advance.

(3) Any such person may pay in advance t composition fee payable under sub-section (1) for two more consecutive quarters in the same year. When t fee is so paid; such rebate shall be allowed as may, fro time to time, be notified by the Government.

21. *Subject to such conditions as may be prescribed by the Government in this behalf any person may, in respect of any of the following vehicles belonging to him, namely,* (a) *a motor cycle or* (b) *a motor car not exceeding* 30 *cwt. in weight unladen and constructed or adapted for the carriage of not more than seven persons including the driver or* (c) *a motor bus or* (d) *a cart drawn by a single bullock or two bullocks, pay in lieu of all tolls payable at any one toll bar established under this Regulation other than a frontier toll bar an annual composition fee at rates not exceeding the maxima specified in Schedule* IV (B). Composition of tolls in respect of a single toll bar

Provided that such composition under this section shall not

(i) *be allowed in respect of more than one toll bar for any such motor cycle, motor car, motor bus or cart, and*

(ii) *exempt such cart from tolls when laden with timber.*

22. [18.] The Government may by notification in the Official Gazette make an exemption, reduction in the rate or other modification in regard to toll payable, Exemption.

(*i*) by any person or class of persons, and

(*ii*) in respect of any vehicle or animal or classes of vehicles or animals.

PART V.

LORRIES.

23. [19.] (1) No person shall use a motor lorry on a public road, except under a permit granted by the prescribed authority. Permits for lorries.

(2) When a motor lorry is being used on a public road, the driver of the vehicle, if it belongs to him or is in his possession under an agreement for hire, hire-purchase or loan and in any other case the person whose agent or servant the driver is, shall, for the purpose of this part of this Regulation, be deemed to be the person by whom the vehicle is being used.

(3) The Government may, by rules, prescribe the conditions subject to which a permit may be granted under this section. In particular, but without prejudice to the generality of the foregoing powers, such conditions may include all or any of the following, that is to say,

(*a*) a condition that the motor lorry shall be used only in a specified area or between specified places;

(*b*) a condition that certain classes or descriptions of goods only shall be so carried;

(*c*) a condition that goods shall be carried only for specified persons;

(*d*) a condition that the motor lorry shall not carry more than the specified number of persons;

(*e*) when the vehicle is a motor lorry intended to be let or plied for hire or reward, such other conditions as the prescribed authority may think fit to impose in the public interest and with a view to prevent uneconomic competition.

(4) A permit under this section may be revoked or suspended by the prescribed authority by which the permit was granted on the ground that any of the conditions of the permit have not been complied with.

Provided that the said authority shall not revoke or suspend a permit unless he is satisfied after giving the holder of the permit an opportunity of being heard that the permit should be revoked or suspended.

Periodical inspection.

24 [20]. A motor lorry in respect of which a permit is granted under section 23 [19] shall be subject to such periodical inspection as the Government may prescribe.

PART VI—ROAD FUND.

Road Fund.

" 25. *All taxes, tolls and fees paid under this Regulation the Mysore Motor Vehicles Regulation, 1928, and the Mysore Highways Regulation, 1920, shall be credited to a special fund, to be designated the Road Fund, to which fund shall also be credited such other sums as the Government may, from time to time, direct.*

Constitution of Road Fund.

26. *The Road Fund will be debited under the orders of the Government with the following charges, that is to say—*

(1) *such amount as the Government may, from time to time, determine on account of the expenses incurred in the carrying into effect of the Regulations mentioned in section* 25 *and the rules made thereunder,*

(2) *payments made to local authorities under section* 32, *and*

(3) *allotments made at the discretion of the Gov-*

ernment for such other purposes not hereinbefore mentioned as may be consistent with or necessary for the more efficient administration of the Regulations mentioned above or the rules made thereunder.

Use of Fund.

27. *The proceeds of the Road Fund after deducting the charges under section 26 shall be used on the construction and maintenance of roads and bridges in Mysore.*

Administration of Fund.

28. *The Board shall administer the Road Fund subject to the control of the Government in such manner as may be ordered by the Government from time to time.''*

PART [VI]—VII.

GENERAL.

Savings as to vehicles used for agricultural purposes.

29. [21.] No tax under this Regulation other than vehicle tax shall be levied on any motor vehicle used solely for the purposes of agriculture.

Explanation.—A motor vehicle used for transporting agricultural produce *along a public road* shall not, for the purpose of this section *and section 8*, be deemed to be used solely for the purposes of agriculture.

Protection in respect of acts done in good faith.

30. [22.] No prosecution suit or other legal proceeding shall lie against any person for anything in good faith done or intended to be done under this Regulation.

Power of Municipalities to levy taxes on motor vehicles.

31. [23.] Notwithstanding anything contained in the Mysore City, Town and Minor Municipalities Regulations, 1933, no municipal council shall levy (1) a tax on motor vehicles or (2) a toll on such motor vehicles as are exempted from payment of municipal tolls under this Regulation or the rules made thereunder.

Payment to District Boards and Municipalities for loss of tolls and vehicle tax.

32. [24.] (1) From the proceeds of tolls and taxes collected under this Regulation, the Government shall pay annually to each District Board which at the commencement of this Regulation was levying tolls and to each municipal council which at the commencement of this Regulation was levying a vehicle tax on motor vehicles, a sum determined by the Government *after consulting the District Board or the municipal council concerned* as representing the average annual income of each District Board from tolls and of each municipal council from vehicle tax on motor vehicles during the three years ending 30th day of June 193 , after deducting therefrom the

expenses of collection which shall be determined by the Government in such manner as it may deem fit.

(2) In determining the amount payable to a local authority under sub-section (1) the Government shall take into account—

(*a*) the arrears of tolls or vehicle tax on motor vehicles left uncollected, which could have been collected;

(*b*) the amounts which the local authority should have paid to any other local authority on account of collections made on behalf of the latter and remaining to be adjusted; and

(*c*) the vehicle tax payable on vehicles owned by the local authority or by its employees in respect of which exemptions were granted by the local authority.

(3) At the end of three years from the commencement of this Regulation, the Government may, after consulting the District Board or Municipal Council concerned, [determine in such manner as may be then prescribed] *prescribe the manner in which and the periods for which* the amount payable thereafter to such District Board or Municipal Council *shall be paid.*

(4) The amount recovered in respect of composition of tolls under section 20 [17] the proceeds of the service tax under sub-section (c) of section 8 [6] on all public service motor vehicles plying or used solely within a municipality, and the proceeds of the mileage cess under sub-section (d) of section 8, [6] shall be apportioned between the respective local authorities and the Government in such manner as may be determined by rules or orders made in this behalf.

Explanation.—A local authority for the purposes of this sub-section shall mean a District Board, a City Municipal Council or such other Town Municipal Council or Sanitary Board as the Government may notify in this behalf.

Power of Government to make rules.

33. [25] (1) The Government may, subject to the condition of previous publication [except in respect of rules relating to matters falling under Part IV of this Regulation,] make rules for more effectively carrying out all or any of the purposes of this Regulation.

(2) All rules made under this section shall be published in the Official Gazette and on such publication shall have effect as if enacted in this Regulation.

Penalties.

34. [26.] Whoever contravenes any of the provisions of this Regulation or of any rule made thereunder

shall if no other penalty is elsewhere provided in this Regulation for such contravention, be punishable with fine which may extend to one hundred rupees, and in the event of such person having been previously convicted of an offence under this Regulation or any rule made thereunder with fine which may extend to two hundred rupees.

Power of Government to amend, add to or cancel schedules.

35. [27.] The Government may, subject to the approval of the Legislative Council by a resolution recorded in this behalf alter, add to or cancel any or all of the Schedules II A to IV B of this Regulation and such alteration, addition or cancellation when published in the Official Gazette, shall have the force of law and all references in this Regulation to any of the aforesaid Schedules shall be construed as referring to such Schedules as are for the time being amended in exercise of the power conferred by this section.

36. [28.] No court inferior to that of a Second Class Magistrate shall try any offence punishable under this Regulation or the rules made thereunder, except offences punishable under Part IV of this Regulation or under rules made in respect of matters under the said part.

SCHEDULE I.

Section 3.

Year	No.	Title	Extent of repeal
1876	274	Chief Commissioner's Notification No. 274 of 1876.	The whole
1926	III	The Mysore District Boards Regulation.	Section 66 and Schedule III.

SCHEDULE [II] III.

(Section 14 [12].)

Rates of Tolls.

			Rs.	a.	p.
	A. MOTOR VEHICLES.				
1	On every motor cycle with or without side car ...		0		
2	On every [four wheeled] motor car or motor cab constructed or adapted to carry not more than seven persons including the driver		1	0	0
3	On every four wheeled motor car constructed or adapted to carry eight persons or more including the driver.		2	0	0
4	On every *four wheeled* motor bus		2	0	0
5	Do motor lorry		3	0	0
[6	Do heavy motor vehicle, *i. e.*, a motor vehicle exceeding two tons in weight, unladen ...		3	0	0
6 [7]	Do vehicle propelled by steam or motor power other than those specified above		3	0	0]
7 [8]	Do vehicle of the categories mentioned in items 5 and 6 above, if laden with timber, [fuel, bamboos or stone] and entering the State at a frontier toll bar ...		6	0	0
	B. VEHICLES OTHER THAN MOTOR AND STEAM VEHICLES.				
1	On every four wheeled carriage		0	8	0
2	Do two wheeled carriage on springs other than a jutka or ekka		0	4	0
3	Do ekka or jutka, laden		0	2	0
4	Do do unladen		0	1	0
5	Do other vehicle on springs ex[in]cluding a tricycle and a bicycle		0	2	0
6	Do cart or other vehicle drawn by eight bullocks, buffaloes, horses, ponies, asses or mules, if laden		1	0	0
7	Do cart or other vehicle drawn by eight bullocks, buffaloes, horses, ponies, asses or mules, if not laden		0	8	0
8	Do cart or other vehicle drawn by six bullocks, buffaloes, horses, ponies, asses or mules, if laden		0	8	0
9	Do cart or other vehicle drawn by six bullocks, buffaloes, horses, ponies, asses or mules, if not laden		0	4	0
10	Do cart or other vehicle drawn by four bullocks, buffaloes, horses, ponies, asses, or mules, if laden		0	6	0

			Rs	a.	p.
11	On every cart or other vehicle drawn by four bullocks, buffaloes, horses, ponies, asses, or mules, if not laden		0	3	0
12	Do	cart or other vehicle drawn by two bullocks, buffaloes, horses, ponies, asses or mules, if laden	0	4	0
13	Do	cart or other vehicle drawn by two bullocks, buffaloes, horses, ponies, asses or mules, if not laden	0	2	0
	Do	cart or other vehicle drawn by a single bullock, buffalo, horse, pony, ass or mule, if laden	0	2	0
15	Do	cart or other vehicle drawn by a single bullock, buffalo, horse, pony, ass or mule, if not laden	0	1	0
16	Do	cart or other vehicle, if laden with timber [fuel, bamboos or stone] and entering the State at a frontier toll-bar	3	0	0

C. ANIMALS, PALANQUINS, ETC.

1	On every buffalo or bullock per head, if laden ...		0	1	0
2	Do	do not laden ...	0	0	6
3	Do	elephant	1	0	0
4	Do	camel, if laden	0	4	0
5	Do	do not laden	0	2	0
6	Do	horse, if laden or ridden	0	1	6
7	Do	horse, if unladen or not ridden	0	9	0
8	Do	thattu or mule, if laden or ridden ...	0	0	9
9	Do	do if unladen or led ...	0	0	6
10	Do	ass, if laden or ridden	0	0	6
[11	Do	ass, if unladen or led	0	0	3]
[12	Do	sheep, goat or pig	0	0	1]
11 [13]	Do	palanquin, dooly, palna or tonjon with two bearers or rickshaw ..	0	2	0
12 [14]	Do	palanquin, dooly, palna or tonjon with more than two bearers	0	4	0

Provisos.—

1. *Double the rate of tolls prescribed above may be levied in the case of carts referred to in items 6, 8, 10, 12, and 14 of B, if laden and entering the State at a frontier toll-bar.*
2. *Double the rate of tolls prescribed above may be levied in the case of carts referred to in items 6, 8, 10, 12 and 14 of B, when such carts are laden with timber.*
3. *The Government may prescribe lower rates of tolls than those prescribed in this schedule on carts fitted with tyres over 2½ inches in width or with pneumatic tyres.*

[1. Double the rate of tolls prescribed above may be levied in case of carts referred to in items 6, 8, 10 and 12 of B, when such carts are loaded with timber or stones.]

[2. The Government may prescribe a lower rate of tolls on carts with tyres over 2½" wide than on carts with narrower tyres.]

SCHEDULE [III] IV—A.

Section 20. [17].

Rate of fee for composition of tolls on Motor Vehicles.

Classes of vehicles	Fees per quarter					
	For vehicles fitted with pneumatic tyres on all wheels			For other vehicles		
	Rs.	a.	p.	Rs.	a.	p.
1. *Motor cycles-*						
(*a*) Motor cycles with two wheels ...	7	8	0	10	0	0
(*b*) Ditto, if used for drawing a trailer or side car	10	0	0	12	8	0
(*c*) Motor cycles with three wheels ...	10	0	0	12	8	0
2. *Motor cars and motor cabs.*						
(*a*) Weighing not more than 15 cwts., unladen	17	8	0	25	0	0
(*b*) Weighing more than 15 cwts. but not more than 30 cwts, unladen ...	25	0	0	37	8	0
(*c*) Weighing more than 30 cwts. but not more than 45 cwts, unladen ...	32	8	0	50	0	0
(*d*) Weighing more than 45 cwts. but not more than 60 cwts, unladen ...	40	0	0	60	0	0
(*e*) Weighing more than 60 cwts., unladen	50	0	0	75	0	0
(*f*) Additional fee payable in respect of such vehicles when used for drawing trailers—						
(i) For each trailer not exceeding 1 ton in weight, unladen ...	10	0	0	15	0	0
(ii) For each trailer exceeding one ton in weight, unladen	20	0	0	30	0	0
Provided that two or more vehicles shall not be chargeable under this class in respect of the same trailer.						

SCHEDULE IV B.

(Section 21).

Rate of fee for composition in respect of a single toll bar for certain vehicles.

Class of vehicle	*Amount of annual fee*		
	Rs.	*a.*	*p.*
(a) *Motor cycles*	*15*	*0*	*0*
(b) *Motor cars weighing not more than 30 cwt. in weight unladen and not constructed or adapted to carry more than seven persons including the driver* ...	*30*	*0*	*0*
(c) *Motor buses*	*200*	*0*	*0*
(d) *Carts drawn by a single bullock or two bullocks* ...	*7*	*8*	*0*

SCHEDULE II [IV] A.

The Vehicle Tax.—(Section) 8 [6] (a)).

Class of Vehicles	*Annual Tax*
	Rs.
Motor Cycles	15
Motor cars, constructed or adapted to carry in all not more than seven persons including the driver—	
a) Weighing not more than 15 cwts. unladen ...	30
b) Weighing more than 15 cwts. unladen ...	40
Motor cars constructed or adapted to carry eight persons or more including the driver	60
For heavy motor cars, *i.e.*, motor cars exceeding two tons in weight, unladen	100
Motor Lorries used solely for purposes of agriculture ...	60

Privileges and Exemptions.
The vehicle shall be exempted from all municipal tolls.

[*Privileges and exemptions which a vehicle is entitled to and the conditions and limitations therefor.*

[1. The vehicle shall be exempt from Municipal tolls either of the Municipal Council within the limits of which the owner resides or of that in the limits of which he carries on business in respect of which the vehicle is used, at his option, which shall be exercised at the time of the payment of the tax.

[A vehicle kept outside the limits of any municipality shall be free from the tolls of the municipality nearest the place of residence of the owner or his principal place of business, as the case may be, provided that such municipality is within a radius of five miles from such place. If the place is equidistant from two municipalities, the vehicle shall be free from tolls at the municipality elected and declared by the owner at the time of the payment of the tax, provided that the declaration made shall not be, subject to variation during the year.

[2. The vehicle shall continue to have all the privileges and exemptions to which it was entitled on payment of the Municipal Vehicle Tax, both in the municipality in which such tax is payable and in other municipalities under any reciprocal arrangements that may have been in force at the commencement of this Regulation.

[3. The exemption from tolls specified above shall apply only at the ordinary toll-gates and shall not apply to *ad-hoc* toll-gates established on a newly constructed public road for the recovery of the amount expended upon such public road and the bridge or causeway, if any, over which it may lie.]

Classes of Vehicles	Quarterly tax	
	Vehicles fitted with pneumatic tyres on all wheels	Other vehicles
Motor lorries let or plied for hire or reward and used for the carriage or haulage of goods and passengers.	(a) *a tax as on a tmotor lorry under item* (2) *above, having a weight which bears to the unladen weigh of the vehicle the same proportion as the floor area set apart for the carriage of goods bears to the total floor area of the vehicle, together with,* (b) *a service tax calculated at the rate specified in schedule II C for every passenger which the vehicle is licensed to carry, and* (c) *a mileage cess as on motor buses under schedule II D.*	

Explanation.—*Goods in items* 2 *and* 3 *above do not include light personal effects of passengers.*

Provisos.—

"1. (a) *Motor Lorries not let or plied for hire or reward shall be exempt from tolls other than those levied by a municipal council in the area in which they have the permit for working in accordance with sub section* (3) *of Section* 23.

(b) *While working outside the said area on special permits they are liable to both Government and municipal tolls.*

(c) *Such motor lorry shall be exempt from all municipal tolls either of the municipal council within the limits of which the owner resides or of that in the limits of which he carries on business in respect of which the vehicle is used, at his option which shall be exercised at the time of the payment of the tax.*

Such motor lorry kept outside the limits of any municipality shall be free from the tolls of the municipality nearest the place of residence of the owner or his principal place of business, as the case may be, provided that such municipality is within a radius of five miles from such place. If the place is equidistant from two municipalities, such motor lorry shall be free from tolls at the municipality elected and declared by the owner at the time of the payment of the tax, provided that the declaration made shall not be subject to variation during the year.

2. *Motor lorries let or plied for hire or reward shall be exempt from tolls other than those levied by a municipal council in the area in which they have the permit provided that, on roads which the Board may declare as competing with the Railways in respect of traffic, they may be subject to the payment of tolls.*

3. *The provisos to Schedule II C and II D will also be applicable to the cases of vehicles under item 3 above.*"

[1. (*a*) Lorries other than those let or plied for hire shall be exempt from tolls other than those levied by a Municipal Council in the area in which they have the permit for working in accordance with sub-section (3) of section 19.

[(*b*) While working outside the said area on special permits, they are liable to both Government and Municipal tolls.

[(*c*) They shall further be entitled to the privileges and exemptions specified in Schedule IV A.]

[2. Lorries let or plied for hire or reward shall be exempt from tolls other than those levied by a Municipal Council in the area in which they have the permit provided that, on roads which the Board may declare as competing with the Railways in respect of traffic, they may be subject to the payment of tolls.]

SCHEDULE II [IV] C.

Service Tax.—(Section 8 [6] (c)).

Class of vehicles	Quarterly tax	
	Vehicles fitted with pneumatic tyres on all wheels	Other vehicles
	Rs. a. p.	Rs. a. p.
1. *Motor cabs other than (3) below*		
(*a*) *licensed to carry in all not more than four persons,*	*30 0 0*	*45 0 0*
(*b*) *licensed to carry more than four persons, for every person whom the vehicle is so licensed to carry.*	7 8 0	11 4 0
2. *Motor buses other than (3) below for every person whom the vehicle is licensed to carry*		
(*a*) *on routes graded as class I by the Board,*	7 8 0	11 4 0
(*b*) *on routes graded as class II by the Board.*	6 0 0	9 0 0
3. *Motor cabs and motor buses used for hire for a strictly limited purpose.*	25 0 0	37 8 0

Class of Vehicles	Quarterly tax	
	Vehicles fitted with pneumatic tyres on all wheels	Other Vehicles
1. Motor cabs and motor buses other than (2) below :—		
(*a*) Vehicles licensed under the Mysore Motor Vehicle Rules, to carry in all not more than four passengers.	30 0 0	45 0 0
(*b*) Vehicles licensed under the Mysore Motor Vehicles Rules to carry more than four passengers for every passenger which the vehicle is so licensed to carry.	7 8 0	11 4 0
Motor cabs and motor buses used for hire for a strictly limited purpose.	25 0 0	37 8 0]

Provisos.—

1. In the case of motor cabs one seat for the driver and in the case of motor buses two seats, one for the driver and one for the conductor, shall not be taken to account for purposes of calculating this tax.

2. A motor vehicle is said to be [let] *used* for hire for a limited purpose when it satisfies the following conditions :—

(*a*) The vehicle is owned by a public institution like a hotel or school.

(*b*) It is used exclusively for the business of such institution that is, for the conveyance of its members, clients or, workmen.

(*c*) It is used within the limits of the Municipality in which it is kept.

(*d*) It is not available for hire by the general public.

3. " *Motor cabs and motor buses paying service tax shall be exempt from municipal tolls either of the municipal council within the limits of which the owner resides or of that in the limits of which he carries on business in respect of which the vehicle is used, at his option, which shall be exercised at the time of the payment of the tax.*

A motor cab or motor bus kept outside the limits of any municipality shall be free from the tolls of the municipality nearest the place of residence of the owner or his principal place of business, as the case may be, provided that such municipality is within a radius of five miles from such place. If the place is equidistant from two municipalities, the motor cab or motor bus shall be free from tolls at the municipality elected and declared by the owner at the time of the payment of the tax, provided that the declaration made shall not be subject to variation during the year.

[Motor cabs and motor buses paying the service tax shall further be entitled to the privileges and exemptions specified in schedule IV (*a*)].

SCHEDULE II [IV] D.

Mileage Cess.

Class of Vehicles.	*Rate of Tax.*
Motor buses—	
(*a*) when plying on ordinary permits as part of a regular service	Six pies per mile.
(*b*) when plying on special permits in other cases	Nine pies per mile.

Proviso.—

" Buses paying the mileage cess are exempt from all tolls levied either by the Government or a municipal council except those levied at toll bars established on any road or bridge specified in Schedule V or a road or bridge constructed after the coming into force of this Regulation, for the recovery of the amount expended on such road or bridge."

[Buses paying the mileage cess are exempt from all tolls levied either by the Government or a Municipal Council, except those levied at toll-gates established on a newly constructed public road for the recovery of the amount expended on such public road and the bridge or causeway, if any, over which it may lie.]

SCHEDULE V.

RECENTLY CONSTRUCTED ROADS AND BRIDGES.

(Section 20).

(i)	*The road and bridge over*	..	*the Cauvery at T.-Narasipur.*
(ii)	*Do*		*the Cauvery at Krishnarajasagara.*
(iii)	*Do*		*the Hemavati at Akki-Hebbal*
(iv)	*Do*		*the Hemavati at Gorur.*

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Statement of Objects and Reasons.

In October 1932, the Government appointed a Committee with Sir Charles Todhunter as President, to enquire into the matter of the regulation and taxation of motor transport. The Committee submitted their report and made detailed recommendations. The Government considered their recommendations and propose to introduce a Bill to give effect to such of the recommendations of the Committee as have been accepted by Government in Government Order No.Camp.6-55-Legis. 38-33 dated 18th June 1934 and cannot be brought into force under the existing Regulations and Rules. The main provisions of the Bill are detailed below:-

Part I.

P r e l i m i n a r y .

Clause 2 - This clause defines the several expressions used in the Regulation.

Clause 3- The Chief Commissioner's Notification No.274 dated 4th November 1876 regarding levy of toll is repealed and separate provision made in Part IV for the levy of tolls on roads and bridges. The provision in the Mysore District Boards Regulation, 1926 for a similar levy by these bodies is also repealed.

Part II.

Administration.

Clauses 4 and 5.

These clauses empower the Government to create/co-ordinating a central and licensing authority, called the Traffic Board, consisting of official and non-official members, the latter including a representative of each of the motor bus-owners, other owners of motor conveyances, agricultural unterests and commercial interests. The Chairman of the Board will be appointed by the Government.

The Board will be the central authority under the Government to administer generally the Motor Vehicles Regulation, the Highways Regulations the Road Traffic and Taxes Regulation and the rules under them. It will be the function of the Board to secure the provision of a properly co-ordinated system of public Service Motor Transport to control the number and distribution of public service motor vehicles and to fix the routes on which they should ply. The Board will also have the power to hold enquiries in cases of accidents of a ~~xxkxx~~ serious nature connected with motor vehicles.

Part III.

T a x a t i o n .

The taxes leviable and the maximum rates at which they are leviable are provided in this part. The manner of

the levy and the procedure for the payment of the tax and obtaining of licenses and the display of the same on vehicles are prescribed Penalties for failure to pay tax or to exhibit license are also provided.

Provision is ~~also~~ made for recovery of tax as an arrear of land revenue. Power is vested in the Government to make an exemption, reduction in the rate of tax or other modification in regard to a tax payable in certain cases.

Part IV.

T O L L S.

This part is intended to give a statutory basis to a system of levy of toll fees on vehicles which has been in existance since the year 1876. Government propose to take over the power to levy tolls from District Boards also and section 66 of the District Boards Regulation, 1926 which now empowers the District Boards to levy tolls will be repealed, the intention being to have a uniform system of toll levy, exemptions, etc., on all roads - whether provincial or District Boards.

Government is empowered to cause the levy of tolls not exceeding those mentioned in the schedule on any road, or bridge in Mysore constructed or repaired by the Government or any District Board constituted under the Mysore

District Boards Regulation, to establish toll bars and to appoint collectors. Provision is made to have suitable machinery for recovery of toll by attachment and destrain of property with necessary safe guards. There is also provision included for the composition of tolls, exemptions from tolls, or reduction in rate of ~~xxxx~~ tolls in certain cases.

Part V.

Lorries.

Certain special provisions have been considered necessary in regard to motor lorries. All lorries private as well as public will be required to take permits for use of public roads. Power is given to prescribe conditions while granting permits as regards area for plying, the goods or persons that could be carried etc.

Part VI.

G e n e r a l .

Motor vehicles used for agricultural purposes are exempted from taxation. The power of Municipalities to levy vehicle tax on motor vehicles and tolls on such motor vehicles as are exempted from municipal tolls by this Regulation is taken away. Provision is made to

compensate District Boards and muni-
cipalities for loss of revenue from
tolls and vehicle tax and such of the
local bodies as are getting a share
of the road mileage cess will continu
to get it.

STATEMENT OF GENERAL PRINCIPLES.

In October 1932, the Government appointed a Committee with Sir Charles Todhunter as President, to enquire into the matter of the regulation and taxation of motor transport. The Committee submitted their report and made detailed recommendations. The Government have considered their recommendations and propose to introduce a Bill entitled "THE MYSORE ROAD TRAFFIC AND TAXES BILL" to give effect to such of the recommendations of the Committee as have been accepted by Government and cannot be brought into force under the existing Regulations and Rules. The general principles of the bill are as detailed below:-

(1) The Bill will empower the Government to create a central co-ordinating and licensing authority, called the Traffic Board consisting of official and non-official members, the latter including a representative each of the motor bus owners, other owners of motor conveyances, agricultural interests and commercial interests. The Chairman of the Board will be appointed by the Government.

The Board will be the central authority under the Government to administer generally the Motor Vehicles Regulation and the Road Traffic and Taxes Regulation and the Rules under them and to license motor vehicles, in accordance with rules to be prescribed by the Government. The Board will also have the power to hold enquiries in cases of accidents of a serious nature connected with motor vehicles.

(2) An obligation will be laid on private lorries also to obtain permits which will be granted subject to conditions and limitations prescribed by rules.

(3) The existing District Board Toll-gates will be taken over to Government control and power will be taken to establish and work new toll-gates on District Board Roads as and when required by the Government. Section 66 of the District Board's Regulation empowering District Boards to establish toll-gates on their roads will be repealed.

(4) Compensation will be made to the District Boards for loss of toll revenue on the basis of the average collections of tolls for the previous three years. This calculation will be subject to revision at the end of every three years.

II. TAXATION.

Private Vehicles.

The Scheme of Taxation of motor vehicles provided for in the Bill is as follows:-

(i) All motor bicycles, tricycles and cars other than those, usually let or plied for hire, will be subject to a "Vehicle Tax not exceeding the maxima prescribed in Schedule I A attached hereto. This tax is analogous to the municipal vehicle tax now imposed in the cities of Bangalore and Mysore. The power of the Municipalities to impose a tax on motor vehicles will be withdrawn. The vehicles liable to the vehicle tax are exempt from tolls of the Municipality at which the owner is residing or, in the case of cars of owners living outside municipal limits, from tolls of the Municipality nearest to their place of residence.

(ii) The vehicles mentioned in (i) above will be subject to tolls but it will be open to owners to get exemption from all tolls by an optional payment of "Road Tax" based on unladen weight, at rates not exceeding the maxima specified in Schedule I-B.

(iii) Lorries in the State will not be subject to vehicle tax but will be liable

to a road tax at rates not exceeding those specified in Schedule I.C. Lorries will not be subject to tolls in a permitted area or to annual registration.

6. Public Service Vehicles.

(i) In the case of taxi cars or taxies, a "Service Tax", i.e., a tax for the privilege of plying for hire, based on seating capacity, is leviable at rates not exceeding those laid down in Schedule I.D. They will not be subject to vehicle tax nor to tolls of the Municipality at which the owner resides. They are however liable to tolls at all other places or at their option, to a road tax, in lieu of tolls, at the same rates as for private cars. (vide Schedule I.B.)

(ii) Public service buses plying in purely city areas will be subject to a service tax based on seating capacity at rates not exceeding the maxima specified in Schedule I.D. They will not be subject to the Vehicle Tax nor to tolls of the Municipality at which the owner resides.

(iii) Public Service buses regularly plying on fixed routes in rural areas will be liable to a service tax, based on seating capacity at rates not exceeding the maxima specified in Schedule I.D. They will pay, in addition, a mileage cess at pies 6 per mile. They will not be subject to vehicle tax and will be free of all tolls.

Double the rates of mileage cess now in force on "Railway competition" roads

will be abolished and the State Railway will be given the exclusive option of running bus services on roads which run parallel to and close to the Railway, subject to the same conditions and taxes as other buses.

(iv) Public service lorries will be liable to pay one and a half times the road tax that a private lorry is liable to pay. They will not be subject to vehicle tax and are exempt from tolls in the licensed area, except on Railway Competition Roads whereon the right to levy tolls will be reserved and exercised, if found necessary.

(7) Municipalities will be compensated for the loss of vehicle taxes and the quantum will be based on their average collections for the previous three years, subject to revision at the end of every three years. They will also be compensated for loss of toll on vehicles paying road tax or mileage cess, in such manner as may be determined by the Government.

(8) Power will be taken by the Government to make total exemption or other modification in regard to taxes, payable,

(a) by any person or class of persons.
(b) in respect of any motor vehicle or class of vehicles.

(9) Motor vehicles used solely for agricultural purposes are not liable to any of the above taxes; but a motor vehicle

used for transporting agricultural produce will not be a vehicle solely used for agricultural purposes.

(10) The Schedule of tolls will be revised and higher rate of tolls than at present will be prescribed for lorries and for carts carrying timber, stones, etc. A lower rate of tolls will be levied on carts with tyres more than $2\frac{1}{2}$" wide.

N. B. :- At present, double bullock carts of agriculturists are liable to a toll of 4 annas for laden carts and 2 annas for empty carts -

(i) at all frontier toll-gates

(ii) at all District Board Toll-gates of some districts

(iii) at all gates when carrying commercial timber

under the rules to be framed by them, the Government intend introducing a lower uniform rate of tolls at all toll-gates, Provincial and District Board as follows:-

(1) On every cart or other vehicle drawn by two bullocks, (buffaloes, horses, ponies, asses or mules) if laden with goods other than timber.	0-2-0
(2) -do- with timber and stones.	0-8-0
(3) -do- if not laden	0-1-0

Half the above rates are leviabl on bullock carts with tyres over $2\frac{1}{2}$" wide.

The existing concession of the carts of agriculturists being exempt from tolls at any toll-gate situated within a radius of 5 miles of thei homes will be continued.

(12) The exemption from tolls in all the cases above referred to applies to those levied at ordinary toll-gate for maintenance, provision will however be made for the levy of ad hoc tolls on all vehicles whenever necessary for a term of years, when a special facility such as a new bridge, a new road etc., is provided.

Government will be empowered to make rules for carrying out all or an of the purposes of this Regulation.

SCHEDULE I A.

VEHICLE TAX.

1.	For every motor cycle	Rs.	15
2.	For every motor car weighing less than 15 cwts.		30
3.	For every motor car weighing 15 cwts or more		40
4.	For every private motor vehicle adapted to carry 8 persons or more. ...		60
5.	For every motor car or bus used by hotels, schools etc., only for their clientele for bonafide purposes connected with their work, within Municipal limits.		100
6.	For every head of motor vehicle, i.e., vehicles exceeding 2 tons in weight unladen. ...		100

SCHEDULE I.B.

ROAD-TAX (Optional)

Class of vehicles.	For vehicles fitted with pneumatic tyres. Annual Tax Rs.	For other vehicles. Annual Tax. Rs.
Motor cycles and tricycles including Motor scooters and cycles with attachment for propelling the same by mechanical power not exceeding 8 Cwt. unladen:		
(i) Bicycles. ...	30-0-0	40-0-0
(ii) Bicycles, if used for drawing a trailer or sidecar. ...	40-0-0	50-0-0
(iii) Tricycles ...	40-0-0	50-0-0
Motor vehicles for passengers		
(a) weighing not more than 15 cwt. unladen. ...	70-0-0	100-0-0
(b) weighing more than 15 cwt but not more than 30 cwt... unladen.	100-0-0	150-0-0
(c) weighing more than 30 cwt but not more than 45 cwt ... unladen.	130-0-0	200-0-0
(d) weighing more than 45 cwt but not more than 60 cwt ... unladen.	160-0-0	240-0-0
(e) weighing more than 60 cwt... unladen.	200-0-0	300-0-0
(f) Additional tax payable in respect of such vehicles when used for drawing trailers:-		
(i) for each trailer not exceeding 1 ton in weight ... unladen.	40	60
(ii) for each trailer exceeding 1 ton in weight un- ... laden.	80	120

Provided that two or more vehicles shall not be chargeable under this class in respect of the same trailer.

SCHEDULE. I. C.

Road Tax. (Compulsory.)

Class of Vehicles.	Quarterly tax. For vehicles fitted with pneumatic tyres.	Quarterly tax. For other vehicles
	Rs.	Rs.
Motor vehicles used in the course of trade and industry for the transport or haulage of goods or materials, including tricycles weighing more than cwt. unladen.		
(a) Vehicles not exceeding 15 cwt., in weight, unladen.	30	45
(b) Vehicles exceeding 15 cwt., but not exceeding 25 cwt. in weight unladen.	50	70
(c) Vehicles exceeding 25 cwt. but not exceeding 30 cwt., in weight, unladen.	70	90
(d) Vehicles exceeding 30 cwt. but not exceeding 35 cwt., in weight, unladen.	90	115
(e) Vehicles exceeding 35 cwt. but not exceeding 50 cwt. in weight, unladen.	112½	150
(f) Vehicles exceeding 50 cwt. but not exceeding 70 cwt. in weight, unladen.	150	185
(g) Vehicles exceeding 70 cwt. but not exceeding 100 cwt. in weight, unladen.	175	225
(h) Additional tax payable in respect of such vehicles when used for drawing trailers.-		
(a) For each trailer not exceeding 1 ton in weight, unladen.	60	85
(b) For each trailer exceeding 1 ton in weight, unladen.	125	160

Provided that two or more vehicles shall not be chareable under this clause in respect of the same trailer.

Schedule I. D.

Service tax for Public Service Vehicles.

	Quarterly tax.	
	For vehicles fitted with pneumatic tyres.	For other vehicles.
	Rs.	Rs.
Motor vehicles plying for hire and used for the transport of passengers.		
(a) Vehicles licensed to carry in all not more than 4 persons.	40	60
(b) Vehicles licensed to carry more than 4 persons - for every person which the vehicle is so licensed to carry.	10	15

N.B. One seat for the driver in the case of motor taxis and two seats for the driver and conductor in the case of Public Service Motor buses are excluded for the purpose of this tax.

THE MYSORE ROAD TRAFFIC AND TAXES REGULATION.

Whereas it is expedient to make further provision for the regulation of traffic on roads and to provide for the levy of certain taxes on motor vehicles.

And whereas it is expedient to amend the law relating to Tolls.

It is hereby enacted as follows:-

Part I - Preliminary-

1. (1) This regulation may be called the Mysore Road Traffic and Taxes Regulation, 193

(2) It extends to the whole of Mysore.

(3) It shall come into force on such date as the Government may, by notification in the Official Gazette, direct.

Definition.

2. In this Regulation, unless there is anything repugnant in the subject or context:

(1) "The Board" means the Traffic Board constituted under this Regulation.

(2) "Licensing Officer" means an officer appointed by the Government to exercise the powers and perform the functions of a Licensing Officer under this Regulation.

(3) Motor Vehicle has the same meaning as in the Mysore Motor Vehicles Regulation, 1928:

(4) Private motor vehicle means any motor vehicle which is not a public service motor vehicle, ~~or a lorry~~.

(5) "Motor Bus" means a public service motor vehicle which has seating accommodation for eight or more persons inclusive of the driver;

(6) "Public Service Motor Vehicles" means a motor vehicle which is let or plied for hire or reward:

(8) " Motor Cycle " means a motor vehicle without a carriage body running on not more than three wheels and weighing not more than eight hundred weights unladen and includes an auto-wheel and a motor scooter also.

(9) "Motor Lorry" means a motor vehicle which is ordinarily used for the carriage or haulage of goods and includes a trailer when so used;

(10) "Motor Car " means a motor vehicle which is not a public service motor vehicle or a motor cycle or a motor lorry;

(11) "Prescribed" means prescribed by rules made under this Regulation.

(12) Public Road means any street, road, pathway, square, court, alley, passage or riding path over which the public have a right of way, whether a thoroughfare or not and includes the road-way over any public bridge or causeway.

(13) "Registered owner" means the person in whose name a motor vehicle or trailer is registered under the Mysore Motor Vehicles Regulation, 1928.

(14) "Side Car" means a wheeled carrier attached to a motor vehicle which motor vehicle rests or not more than two wheels.

(15) "Tax" includes a tax cess or fee imposed under this Regulation;

(16) "Trailer" means any vehicle other than a side car drawn or propelled or intended to be drawn or propelled by a motor vehicle.

(17) "Unladen weight" in relation to a motor vehicle or trailer, means the weight of the vehicle or trailer including all parts and equipment which are necessary for and ordinarily used with the vehicle or trailer when working. Where alternative parts or bodies are used, the heaviest part or body shall be taken into account for the purpose of calcu-

calculating the unladen weight.

(13) " Year" means the financial year, half year means the first six months or the second six months of such year and quarter means the first three months or the second three months of such half year.

Repeal of certain enactments.

3. The enactments mentioned in schedule I are hereby repealed to the extent and in the manner specified in the fourth column thereof.

Provided that (a) the said repeal shall not affect the validity of anything done or the liability of any person to pay any sum due from him under the enactments hereby repealed, (b) any appointment, notification, notice, order, licence, permission, rule, form, tax, fee, cess or rate, made, issued, given or imposed, toll gate established, contracts entered into and suits and other proceedings instituted under enactments hereby repealed, shall, so far as may be, be deemed to have been made, issued, given, imposed, established, entered into and instituted under this Regulation.

Part II - Administrative

Section 4.

Constitution of the Traffic Board.

(1) For the purpose of carrying out the provisions of this Regulation and the Mysore Motor Vehicles Regulation, 1928, and the Mysore Highways Regulation, 1928 and the rules made under them, the Government may appoint, subject to the conditions hereinafter provided, persons, official and non-official, residing within Mysore, to constitute a Traffic Board.

The composition of the Traffic Board.

(2) The Board shall, subject to such exceptions and conditions as the Government may from time to time make and impose, include representatives of the owners of private motor vehicles, the users and proprietors of public service motor vehicles and persons having interests in agriculture, trade or commerce in Mysore.

(3) The manner and mode of selecting such representatives shall be in accordance with rules prescribed in this behalf.

(4) The Government may appoint one of the members of the Board as its Chairman and an officer in the service of the Government who may or may not be a member of the Board as its Secretary.

(5) The Chairman and the members of the Board shall hold office for the prescribed period, provided that Government may by order at any time remove any member and on such removal his seat in the Board shall become vacant.

(6) Casual or other vacancies in the Board shall be filled up by the Government in accordance with rules prescribed in this behalf.

Section 5.

London Passenger Transport Act, Sec. 31.

(1) It shall be the general duty of the Board so to exercise their powers as to secure the provision of an adequate and properly co-ordinated system of motor transport and for that purpose, while avoiding the provision of unnecessary and wasteful competitive services, to take from time to time such steps as they consider necessary for extending and improving the facilities for such transport in such manner as to provide most efficiently and conveniently for the needs thereof.

(2) Subject to such rules as may be prescribed the Board shall control the number and distribution of public service motor vehicles and for this purpose shall in particular perform the following duties, that is to say,

(a) From time to time it shall fix the new routes on which public service motor vehicles may be permitted to ply;

(b) It shall determine the number of licences and permits to be granted for each route and for this purpose shall be guided by the considerations set forth below;

(c) It shall generally supervise the regulation and control of public service motor vehicles.

(3) When determining the number of licences and permits to be allowed for each of the routes under sub section (2) (b), the Board shall be guided by the following considerations, that is to say:

(a) the suitability and capacity of the road or roads or portions thereof covered by every proposed route for the carriage of public motor vehicles,

(b) the extent, if any, to which the needs of the proposed routes or any of them are already adequately served,

(c) the extent to which the proposed service is necessary or desirable in the public interest.

(d) the needs of the area as a whole in relation to traffic (including the provision of adequate, suitable and efficient services, the elimination of unnecessary services and the provision of unremunerative services), and

(e) the co-ordination of all forms of transport including transport by rail.

(4) The Government may by notification invest the Board either absolutely or subject to conditions with such powers as may be necessary for the purposes mentioned in sub-section (1) of section 4 and prescribe the mode in which the Board shall conduct its business.

hold an enquiry

'a) The Board may ~~enquire~~ or direct Enquiry to be made ~~into the cause of~~ in respect regard to any accident arising out of the presence of a motor vehicle on a public road whereby damage or injury has been caused to any person, vehicle or animal, and the Government may invest, by rules, the Board or such person as may be authorised by the Board in this behalf with such powers as may be necessary for the holding of such Enquiry and prescribe the procedure to be followed at such Enquiry.

(b) Nothing in this sub section shall be construed as in any way affecting, amending or modifying the provision of any other enactment relating to the holding of inquiries into such accidents by the Police or any other authority.

(c) Any report made by or to the Board as the result of an Enquiry under this section shall not be used in evidence by or on behalf of any person by or against whom any legal proceedings are instituted in consequence of the accident to which the Enquiry relates.

ction 6

position of taxes on motor vehicles).

Part III - Taxation.

The Government, may, by notification in the Official Gazette, from time to time direct the levy of any or all of the following taxes on motor vehicles kept or used in Mysore at rates not exceeding those prescribed in Schedule IV(A) to (D) and subject to the conditions, exemptions and limitations specified therein, that is to say -

(a) A vehicle tax on ~~all~~ motor cycles and motor cars.

(b) A road tax on ~~all~~ motor lorries.

(c) A service tax on ~~all~~ public service motor vehicles used for carrying passengers.

(d) A mileage cess on motor busses, ~~other than those used solely within a Municipality.~~

Section 7. Payment of tax and issue of license

M.T.A.5)

(1) Upon the issue of a notification, under Section (6) no motor vehicle shall be used on any public road in Mysore unless the registered owner or the person having possession or control thereof has obtained a license under Sub Section (6) in respect of the vehicle.

Bengal M.T.A. 4 (2)

(2) The vehicle tax imposed under Section (6) shall be payable for the year and in advance by the person who keeps ~~(or uses the)~~ a motor vehicle for use.

Provided that the Government may by notification allow half yearly period payment of the tax at the rate of half the tax payable for the year.

(3) Taxes other than the vehicle tax shall be payable for the quarter and in advance by the person who keeps ~~(or used the)~~ a motor vehicle for use. Such person may pay in advance the taxes due for two or more consecutive quarters in the same year.

(4) Where a tax other than the vehicle tax for any motor vehicle has been paid for any quarter and the vehicle has not been used during the whole

of that quarter or a continuous part thereof, not being less than one calendar month, a refund of the tax at such rates as may from time to time be notified by the Government shall be payable subject to such conditions as may be specified in such notification.

(5) Notwithstanding anyting contained in Sub Section (1), no person shall be liable to tax during any period on account of any taxable motor vehicle, the tax due in respect of which for the same period has already been paid by some other person.

(M.T.A.5(2)

(6) When any person pays the amount of tax due in respect of any taxable motor vehicle using any public road in Mysore or proves to the satisfaction of the licensing officer that no tax is payable in respect of any motor vehicle, the licensing officer shall .

(M.T.A.5 (3)

(i) grant to such person a license, in such form as may be notified by the Govern ment, to use the vehicle on public roads in Mysore for the period or periods concerned ; and

(ii) record that the tax has been paid for a specified period or periods or that no tax is payable in respect of the vehicle as the case may be in the certificate of registration granted or renewed in respect of the vehicle under the Rules made by the Government under the Mysore Motor Vehicles Regulation, 1928, or in the case of vehicles not registered under the said rules in a certificate in such form as may be notified by the Government.

Provided that Government may exempt from the provision of this sub-section any person who has been exempted from the payment of tax in respect of any motor vehicle and prescribe the manner in which such exemption from payment of tax is to be indicated.

Section 8.

Carriage of license on vehicle.

(M.T.A.6).

(1) The license granted in respect of a motor vehicle under ~~clause (i) of~~ sub-section 6 of section 7 ~~it~~ shall be exhibited ~~or carried in a conspicuous place in~~ the vehicle in such manner as may be notified by the Government and if such a license is not so

so carried upon such vehicle the registered owner or the person having possession of control thereof shall be punishable with fine which may extend to fifty rupees.

(2) The person in charge of any motor vehicle on any public road shall cause the vehicle to stop and to remain stationary so long as may reasonably be necessary when required to do so by any officer under the control of the Board empowered in this behalf by the Government or any police officer in Uniform who is not below the rank of Sub Inspector or who being below such rank is empowered ~~specially authorised~~ in this behalf by the Inspector General of Police or the District Magistrate for the purpose of satisfying himself that a license has been obtained in respect of such vehicle for the period then current.

(3) Any person failing to stop a motor vehicle when required to do so by a Police Officer or any other officer under Sub Section (2) ~~(or resisting such officer)~~ shall be punishable with fine which may extend to fifty rupees.

If a tax due in respect of any motor vehicle has not been paid, the registered owner or the person having possession or control thereof shall be punishable with fine which may extend to fifty rupees; and the amount of the tax due by him in respect of such vehicle shall also be recovered as if it were a fine.

Any tax under this Regulat on may also be recovered in the same manner as an arrear of land revenue. The motor vehicle in respect of which the tax is due or its accessories may be distrained or sold in pursuance of this section, whether ~~(or not)~~ such vehicle or accessories be or be not ~~(are)~~ in the possession or control of the person liable to pay the

pay the tax.

Section 11. Exemption. (M.T.A.11).

The Government may by notification in the official Gazette make an exemption, reduction in the rate or other modification in regard to a tax payable,

(i) by any person or class of persons, and

(ii) in respect of any motor vehicle or class of motor vehicles.

PART IV.

TOLLS.

Section 12. Power to cause levy of tolls on roads and bridges and to appoint collectors.

Subject to the rules prescribed by the Government in this behalf, the Government may cause such rates of tolls not exceeding those mentioned ~~in the~~ in schedule II hereto annexed, to be levied on any road or bridge in Mysore, which has been, or shall hereafter be, constructed or repaired at the expense of the Government, ~~and on roads~~ any or ~~bridges vested in the~~ any District Boards constituted under the Mysore District Boards Regulation, 1926; and may place the collection of such tolls under the management of such persons as may appear to them proper, and all persons employed in the management and collection of such tolls shall be liable to the same responsibility as would belong to them if employed in the collection of the land revenue.

Establishment of tolls - bars.

The Government may, from time to time declare the roads on which and the places where tolls shall be levied, and may abolish the collection of tolls, on roads on which such tolls have been declared leviable; and may authorise the erection or removal of any toll-bar for the purpose of carrying out the provision of this section.

Powers for recovery of toll.

(1) In the case of non-payment of any such toll on demand, the ~~officers~~ persons appointed or duly authorised to collect the same may seize any of the carriages or animals on which it is chargeable or any part of their burden of sufficient value to defray the tolls

(2) If any toll remains undischarged for twenty-four hours after the property has been seized as stated in sub-section (1), the said property shall after twenty four hours notice exclusive of Sunday or any public holiday, be sold by public auction for discharge of the toll and all expenses occasioned by such non-payment, seizure and sale, by order of the officer authorised to superintend the collection of the said toll, who may cause any balance that may remain to be returned, on demand, to the owner of the property.

Provided that, if, at any time before the sale has actually begun, the person whose property has been seized shall tender the amount of all the expenses incurred, and of double the toll payable by him, the said officer shall forthwith release the property seized.

(3) Any amount due on account of toll may also be recovered in the same manner as an arrear of land revenue.

Section 15. Penalty.

Every person, other than the persons appointed or duly authorised to collect ~~the~~ tolls under this Regulation, who shall levy or demand any toll on any public road or bridge, or for passing through any bazaar situated thereon, and also every person who shall unlawfully and extortionately demand, or take any other or higher toll than the lawful toll, or under colour of this Regulation seize or sell any property knowing such seizure or sale to be unlawful or in any manner

TSIC Act—6

manner unlawfully extort money or any valuable thing from any person under colour of this Regulation shall be liable on conviction before a Magistrate to imprisonment which may extend to six months or fine which may extend to two hundred rupees, any part of which fine may be awarded by the Magistrate to the person aggrieved.

Section 16 C.C.No.10.

Any person who fraudulently or forcibly passes any toll-bar without paying the proper toll, or who obstructs the person appointed or duly authorised to collect the toll in the discharge of his duties, will be liable, on conviction before a Magistrate, to imprisonment for any term not exceeding three months or to a fine not exceeding fifty rupees.

Section 17 Imposition of tolls.

(1) Subject to such conditions as may be prescribed by Government in this behalf any person, may, in respect of a motor cycle, motor car or motor cab belonging to him pay in lieu of all tolls other than those levied at toll gates established on a road newly constructed for the recovery of the amount expended upon such road, a quarterly composition fee at rates not exceeding the maxima specified in schedule III. The payment of such composition fee shall exempt such vehicle from tolls levied by any Municipal Council.

(2) The composition fee payable under sub-section (1) shall be paid for the quarter and in advance.

(3) Any such person may pay in advance the composition fee payable under sub-section (1) for two or more consecutive quarters in the same year. When the fee is so paid, such rebate shall be allowed as may from time to time be notified by the Government.

The Government may by notification in the Official Gazette make an exemption, reduction in the rate or other modification in regard to toll payable

(1) by any person or class of persons and

(3) in respect of any vehicle or animal or classes of vehicles or animals.

PART V.

L o r r i e s.

Section ~~18~~ 19.
Permits for Lorries

(1) No person shall use a motor lorry on a public road ~~for the carriage or haulage of goods~~,

~~(a) for hire or reward~~;

~~(b) for or in connection with any trade or business carried on by him~~,

except under a permit granted by the prescribed authority.

goods or passengers how will the charged

(English Road and Rail Traffic Act, 1933)

(2) When a motor lorry is being used on a public road ~~for the carriage or haulage of goods~~, the driver of the vehicle, if it belongs to him or is in his possession under an agreement for hire, hire-purchase or loan and in any other case the person who agent or servant the driver is, shall, for the purpose of this part of this Regulation, be deemed to be the person by whom the vehicle is being used.

(3) The Government may by rules prescribe the conditions subject to which a permit may be granted under this Section. In particular but without prejudice to the generality of the foregoing powers, such conditions may include all or any of the following that is to say,

(a) A condition that the lorry shall be used only in a specified area or between specified places.

(b) A condition that certain classes or descriptions of goods only shall be so carried.

(c) A condition that goods shall be carried only for specified persons.

(d) A condition that the lorry shall not carry more than the specified number of persons.

(e) When the vehicle is a lorry intended to be let or plied for hire, such other conditions as the prescribed authority may think fit, to impose in the public interest and with a view to preventing uneconomic competition.

(R.R.T.A.18(1))

(4) A permit under this section may be revoked or suspended by the prescribed authority by which the permit was granted on the ground that any of the conditions of the permit have not been complied with.

Provided that the said authority shall not revoke or suspend a permit unless he is satisfied after giving the holder of the permit an opportunity of being heard that the permit should be revoked or suspended.

Section 20.

A motor lorry in respect of which a permit is granted under section 18 shall be subject to such periodical inspection as Government may prescribe.

Part VI

GENERAL.

Section 21.

Exemption as to vehicles used for agricultural purposes.

(M.T.A. 11 A)

No tax under this Regulation other than vehicle tax shall be levied on any motor vehicle used solely for the purposes of agriculture.

Explanation.- A motor vehicle used for transporting agricultural produce shall not for the purpose of this section be deemed to be used solely for the purposes of agriculture.

Section 22.

Protection in respect of acts done in good faith.

(M.T.A. 13)

No prosecution suit or other legal proceeding shall lie against any person for anything in good faith done or intended to be done under this Regulation.

Section ~~22~~.
Power of Municipalities to levy taxes on motor vehicles.

Notwithstanding anything contained in the Mysore City, Town and Minor Municipalities Regulations, 1933, no Municipal Council shall levy (1) a tax on motor vehicles or (2) a toll on such motor vehicles as are exempted from payment of municipal tolls under this Regulation or the rules made thereunder.

24.
Section ~~23~~.
ayment to District
oards and Municialities for loss
f tolls and vehi-
le tax

(1) From the proceeds of tolls and taxes collected under this Regulation, ~~after deducting the expenses of collection which shall be ascertained by the Government~~, the Government shall pay annually to each District Board which at the commencement of this Regulation was levying tolls and to each Municipal Council which at the commencement of this Regulation was levying a vehicle tax on motor vehicles, a sum determined by the Government as representing the average annual income of each District Board from tolls and of each Municipal Council from vehicle tax on motor vehicles during the three official years ending 30th day of June 193

(2) In determining the amount payable to a local authority under sub section (1) the Government shall take into account

(a) the arrears of tolls or vehicle tax on motor vehicles left uncollected, which could have been collected;

(b) the amounts which the local authority should have paid to any other local authority on account of collections made on behalf of the latter and remaining to be adjusted; and

(c) The vehicle tax payable on vehicles owned by the local authority or by its employees in respect of which exemptions were granted by the local authority.

(3) At the end of three years from the commer ment of this Regulation, the Government may afte consulting the District Board or Municipal Coun· cil concerned determine in such manner as may b then prescribed the amount payable thereafter t such District Board or Municipal Council.

(4) The amount recovered in respect of compo tion of tolls under Section 17 and the proceeds of the mileage cess under section 6(d) shall be apportioned between the respective local authorities and the Government in such manner as may be determined by rules or orders made in this behalf.

Explanation. A local authority for the purposes of this sub section shall mean a District Board, a City Municipal Council or such other Town Municipal Council or Sanitary Board as Government may notify in this behalf.

(1) The Government may, (subject to the cond tion of previous publication) make rules for more effectively carrying out all or any of the purposes of this Regulation.

(2) All rules made under this section shall published in the official Gazette and on such publication shall have effect as if enacted in this Regulation.

Whoever contravenes any of the provisions of this Regulation or of any rule made thereund shall if no other penalty is elsewhere provided in this Regulation for such contravention, be punishable with fine which may extend to one hundred rupees, and, in the event of such perso having been previously convicted of an offence under this Regulation or any rule made thereund with fine which may extend to two hundred rupee

The Government may, subject to the approval of the Legislative Council, by a resolution add to or cancel any or all of the schedules II to IV of this Regulation and such alteration, addition or cancellation when published in the official Gazette, shall have the force of law and all references in this Regulation to any of the aforesaid schedules shall be construed as referring to such schedules as for the time being amended in exercise of the power conferred by this Section.

No court inferior to that of a second Class Magistrate shall try any offence punishable under this Regulation or the Rules made thereunder.

(1) (a). Lorries other than those let or plied for hire shall be exempt from Government tolls in the area in which they have the permit for working in accordance with Sub Section 3 of Section ~~10~~ 19.

(b) While working outside the said area on special permits they are liable to both Government and Municipal tolls.

(c) They shall further be entitled to the privileges and exemptions specified in schedule IV A.

(2). Lorries let or plied for hire or reward shall be exempt from Government tolls in the area in which they have the permit provided that, on Railway competition roads in such area, Government may subject them to the levy of tolls.

Schedule IV C.

Service tax - Section ~~10~~ 6 (c)

Class of vehicles.	Annual tax.	
	Vehicles fitted with pneumatic tyres on all wheels.	Other Vehicles.
1. Motor cabs and motor buses other than (2) ~~below~~:		
(a) Vehicles licensed under the Mysore Motor Vehicles Rules, to carry in all not more than four passengers.	160	240
(b) Vehicles licensed under the Mysore Motor Vehicles Rules to carry more than 4 passengers, for every passenger which the vehicle is so licensed to carry.	30	
2. Motor cabs and motor buses used for hire for a strictly limited purpose.	100	150

Provisos.

1. In the case of motor cabs one seat for the driver and in the case of motor buses two seats, one for the driver and one for the conductor, shall not be taken to account for purposes of calculating this tax.

2. A motor vehicle is said to be let for hire for a limited purpose when it satisfied the following conditions:-

(a) The vehicle is owned by a public institution like a hotel.

(b) It is used exclusively for the business of such institution, that is, for the conveyance of its members, clients or workmen.

(c) It is used within the limits of the Municipality in which it is kept.

(d) It is not available for hire by the general public.

3. Motor cabs and motor buses paying the service tax shall further be entitled to the privileges and exemptions specified in Schedule IV (a).

SCHEDULE IV - .

Mileage Cess.

Class of Vehicles.	Rate of Tax.
Motor buses other than those used solely in a municipality;	
(a) when plying on ordinary permits as part of a regular service	Six pies per mile
(b) when plying on special permits in other cases.	Nine pies per mile

Proviso.

Buses paying the mileage cess are exempt from all tolls levied either by Government or a Municipal Council, except those levied at ad hoc toll gates established on a newly constructed public road for the recovery of the amount expended on such public road and the bridge or cat any, over which it may lie.

GOVERNMENT BUSINESS—BILLS.

(contd).

5. The Mysore Road Traffic and Taxes Bill.

(a) Motion that the Bill published under Rule 8 of the Rules of Business be read in Council.

THE FIRST MEMBER (*Rajamantrapravina Diwan Bahadur* K. MATTHAN) MOVER.—Sir, I beg to move that the Mysore Road Traffic and Taxes Bill which has been published under Rule 8 of the Rules of Business be read in Council. The circumstances that have led to the introduction of this bill are well known to the House and there is therefore no need to make any but a brief reference to them.

In April 1931 the Government appointed a committee presided over by my colleague Mr. S. P. Rajagopalachari, who was then Revenue Commissioner, to consider the desirability of the abolition of tolls and local taxes on motor vehicles and the ways and means of making up for the consequent loss of revenue. The committee's report was received in August 1931 and their main recommendation was to abolish all tolls and to levy instead a provincial tax on motor vehicles, the tax on motor cycles and cars being on a sliding scale according to their weight and that on motor buses and taxis being based on their seating capacity. As it was essential for the working of that system that a similar policy and similar rates of taxes should be adopted in the Civil and Military Station, Bangalore, the authorities of that station were consulted and they said that they were prepared to introduce similar legislation in regard to motor vehicles but they were not prepared to abolish tolls on bullock carts. In the Mysore State, District Boards and Municipal Councils were also consulted and a majority of them were generally in favour of the committee's proposals, some however suggesting modifications and qualifications on certain points of detail. Before further action could be taken on this report, orders had been passed by Government on the recommendations of a previous committee which was appointed in April 1930, the Motor Vehicles Rules Revision Committee, presided over by the then Law Secretary to Government, Mr. P. Mahadevayya. These orders included the enhancement of the road mileage cess on motor buses plying for hire with effect from the 1st July 1932. The enhancement of this levy led to a considerable amount of agitation on the part of motor bus-owners resulting in an organised strike from 1st October 1932. As a result of representations then made to Government, a committee presided over by Sir Charles Todhunter was appointed in October 1932 to examine the whole question of motor transport and to make recommendations. This committee sent its recommendations in April 1933. A detailed scrutiny of the proposals of the committee was postponed pending the results of the Conference on Road Transport which was shortly to take place at Simla and which Mr. F. A. Hamilton, the Inspector-General of Police and Mr. Ranga Char, the Secretary to the Committee were asked to attend on behalf of the Mysore Government. Mr. Hamilton's report, received in May 1933, showed that there was no chance of a uniform system of taxation being introduced in all Provinces and States and that inter-provincial reciprocity would be a matter of agreement between provinces. Government subsequently completed their consideration of the recommendations of the Todhunter Committee and this bill is designed mainly to give effect to such of the recommendations of that committee as have been accepted by Government and cannot be brought into force under the existing Rules and Regulations.

Even apart from the history of the case as explained by me just now, there are other circumstances which would have rendered legislation inevitable. The great development of motor transport in recent years in Mysore as in the rest of India may be regarded as one of the most important factors in the life of the community. This development has in the main been extremely beneficial in its results. It has brought town and village very close to each other; it has facilitated the marketing of goods and it has made it easier for people of distant parts to get to the courts and offices and to get about quickly for transacting their business.

At the same time, this development has given rise to many new problems. The first of these of course refers to the measures to be adopted to ensure the safety of users of these and other means of transport and of pedestrians. Then, there is the question of regulation and control of public motor traffic and of its co-ordination with other public utility services such as railway transport. And lastly, there is the problem of the development and maintenance of a road system suited to this type of transport.

The whole world is now in the process of dealing with the problems that are being raised daily by the great expansion of motor transport. Numerous committees and commissions in different countries have enquired into these problems and made recommendations which have formed the basis of many legislative enactments during the past few years. Reference may be made specially to the well-known Road Traffic Act of 1930, passed in England, based on the recommendations of the Royal Commission on Transport and to the Road and Rail Traffic Act of last year, passed in England, incorporating the recommendations of the Conference of the Rail and Road Representatives presided over by Sir Arthur Salter. The system adopted in England has been considered to be the best suited to the conditions in Mysore and it is on this system, with the modifications that our local conditions require, that the present proposals of Government based on the committee's

recommendations are modelled. In India, reference may be made to the committee consisting of Messrs. Mitchell and Kirkness who submitted a valuable and detailed report on the problems as they affect British India. A Road-Rail Conference of representatives of Provincial Governments had been convened last April at Simla and certain conclusions regarding control, regulation and co-ordination of motor traffic were come to. As a result of this, changes are being introduced in the Rules and Regulations regarding motor traffic in many provinces and new co-ordinating agencies are being established.

The problem is no less urgent in Mysore. Though the system of regulation and control of motor transport in Mysore was found by the Todhunter Committee to be in advance of many others, there are still many directions in which improvements are needed. Under the present system, the co-ordination of policy and of measures between different districts and the co-ordination of different forms of transport have to be effected by the Central Government. The Government have thus to deal with an excessive volume of work and details connected with the day to day administration of motor transport and it has been found urgently necessary to create some central authority to whom this general work of administration of motor transport could be delegated. This leads to the most important provision of the bill, namely the creation of a central co-ordinating authority to be designated the Central Traffic Board.

It is generally recognised that the best method of dealing with the changing conditions of the developing motor industry is to make the Regulations as flexible as possible and leave them to be administered by a Board exercising wide powers by delegation. Boards of different types are accordingly in existence in many countries. As a result of the resolution of the Road Rail Conference, Boards of Conciliation are being established in different parts in India, such as Madras, United Provinces, etc. The Traffic Board proposed under our bill is in advance of many others. The Board will be central co-ordinating authority with wide administrative and executive powers. It is a representative one in which interests like those of the Railways, Commerce and Agriculture are represented and the representatives of motor-cars, buses, private and public services are all included. The motor transport industry thus gets for the first time a direct share in the regulation and control of its affairs.

I am glad to say that the Government's proposals for the creation of the Traffic Board have met with an almost unanimous support of the public as well as of the Representative Assembly. I have no doubt that these proposals will commend themselves to this House as well. The Board will be the central authority under Government to administer the Regulation and the rules in respect of motor vehicles. Its general functions have been described in the bill and will include the securing of a properly co-ordinated system of public service motor transport, controlling the distribution and number of public service motor vehicles and the licensing of these vehicles, etc.

I now pass on to the next part of the bill relating to taxation of motor vehicles. Our proposals in this direction have come in for a good deal of criticism in the Assembly and outside mainly due to a misapprehension of the scheme and of the objects underlying it. The proposals are not made with a view to increase the taxation on motor vehicles. As was stated by the Dewan Saheb in his concluding speech at the last session of the Assembly, the Government will be satisfied if they continue to get the revenue they are at present deriving from motors, with due allowance for increase in numbers. Neither is it the intention of Government to check the expansion of motor transport by heavy taxation. The Government are fully aware, as I have already said, of the great benefits of motor transport to the country and are anxious to encourage its healthy development. The proposed measures have for their objects the securing of a system of taxation in which each class of vehicles pays its share according to the use it makes and the damage it causes to the road and in which the incidence of taxation is more evenly and equitably distributed by equalisation of conditions under which the different classes of vehicles work. Another object is to reduce as far as possible the inconveniences which are incidental to the levy of tolls which are very irksome to fast moving traffic like motor-cars. Government would have been very glad to abolish all tolls on motor vehicles. And, as I said before, a committee had recommended the complete abolition of the tolls. But, on further consideration, Government have found it necessary to continue the system of tolls. The reasons are: tolls constitute a fairly satisfactory method of recovering, from vehicles, fees approximately graduated to the use they make of the roads. We have a large number of vehicles—bullock carts and others—which transport heavy loads like timber, stones and other goods from the neighbouring presidencies and we have no means of making them pay something towards the cost of the upkeep of the roads except by a system of tolls at least at the frontiers.

As regards motor-cars coming from outside the State, tolls seem to be the most satisfactory method of making them pay for the damage they cause to the roads. Of course, if reciprocal arrangements for exemption of motor-car taxes between different provinces are established, tolls would become unnecessary. In addition to this, toll-gates appear to be necessary in view of the peculiar circumstances relating to the Civil and Military Station. Even if the Civil and Military Station raises taxes corresponding to our rates of taxation, the result would be that the motor vehicles now in the Civil and Military Station would be using the roads in the

City freely without contributing anything towards the maintenance of our roads. So, it appears necessary that the vehicles in the Civil and Military Station must pay tolls or some compounded fee such as we are providing for motor vehicles owned by residents in other parts of the State. It is for these reasons that we have considered it necessary, at any rate for the present, to keep up the system of tolls.

I may now proceed to a brief description of the scheme of taxation under the bill. Private motor-cars will be subject to vehicle tax at the rates now leviable in the municipalities of Bangalore and Mysore. The levy of the municipal tax will cease from the date on which the vehicle tax comes into force. If the owners so elect, they can get exempted from all tolls in the State on payment of a quarterly composition fee. If not, they will continue to be liable to tolls as at present. In the case of most private cars, there will therefore be no increase on the present scale of taxation.

Motor buses will be exempt from all Government tolls and from tolls of the municipality to which they belong. They will be liable in lieu of tolls to a service tax on the basis of their seating capacity. The maximum rate leviable was originally fixed at the same rates as those fixed in Madras, *viz.*, Rs. 40 per seat, though the intention was to levy the lower rate of Rs. 30 per seat per annum. To meet, however, the wishes expressed by the Assembly, the maximum rate provided for in the schedule has been reduced to Rs 30 per seat per annum.

Motor buses other than those employed purely for city services will be subject to a mileage cess of 6 pies per mile on all roads, and double the rates of mileage cess now leviable on roads declared to be railway competition roads will be abolished. These buses will not be subject to vehicle tax and miscellaneous fees such as those for permits, brake testing, etc., which will all be remitted. The general effect of the taxes on buses will therefore be as follows:

There will be an increase in taxation in the case of buses plying exclusively in the limits of a municipality such as Bangalore.

Buses plying on roads on which there are no toll-gates will have to pay a somewhat heavier tax than at present.

Buses which have only a single toll-gate on their routes will pay practically the same amount as at present while those with more than one toll-gate to pass on will pay much less than at present.

In the case of buses running on what are called railway competition roads, taxes will be much less than at present.

In the case of the city bus services, the present rate of taxation has been comparatively very low and an increase in their rate should have come into force irrespective of this bill. In spite of the several advantages they enjoy they pay, even under the proposed system of taxation, much less than other bus services as they will not be liable to pay road mileage cess.

The only other classes of buses on which there is an increased burden are those operating on roads on which there are no toll-gates. I am sure the House will agree that it is only equitable that conditions should be equalised and that there is no justification for one bus service escaping tolls while those going a little farther are subjected to them. For instance, the bus services going up to Channapatna pay no tolls. But if they go to Maddur, they have to pay tolls. Thus, apart from the two classes of buses mentioned, on which there is some increased taxation, the effect of the new proposals in the case of a large number of bus services is that the proposed taxes are practically the same or less than those at present.

Motor lorries will be subject to road tax on the basis of unladen weight. They will be exempt from tolls in the area in which they are permitted to ply. It is difficult to estimate exactly the effect of the proposed tax on lorries as the tolls that are paid by lorries naturally vary widely. Generally speaking, however, lorries under 2½ tons in weight, to which class most of the lorries belong, will pay slightly less than at present while those above 2½ tons in weight will pay more according to weight. Lorries cause considerable damage to the roads and the damage is directly proportional to the weight of the lorry and increased taxation on these appears therefore to be justified. The rate of taxes for lorries is much less than now in force in Madras. Lorries let or plied for hire are subject to 1½ times the tax leviable on private lorries of the same class.

In the case of all motor vehicles, a higher rate of tax will be levied on those which are not fitted with pneumatic tyres for obvious reasons. Motor vehicles used solely for agricultural purposes will also be exempt from taxation. (*Khan Bahadur* Mahomed Abbas Khan: "*From vehicle tax?*") The vehicle tax, corresponding to the municipal tax, they will have to pay.

The taxes referred to by me will also be leviable on motor vehicles that may be brought into the State from outside. Of course, there may be exemptions for short periods of stay. The period of exemption, the rates to be levied for such short periods, etc., will have to be regulated by rules as in other provinces. The aim of the Government will be to secure as far as possible reciprocal exemptions with neighbouring provinces.

There are two or three other matters of some importance which are dealt with in the bill to which reference has to be made. The first is with regard to the system of permits for lorries. The chief difficulty with regard to lorries is that it is not possible to distinguish between private and public service lorries, as in the case of buses, with the result that most of the lorries let for hire escape their legitimate liability for taxation. It is found that the best system to overcome this difficulty is to insist on licenses being obtained by all lorries. It is this difficulty that led

to the English Road and Rail Traffic Act of 1933, to which I referred just now, under which a system of licensing for all lorries, private or public, has been introduced. Our scheme in this respect is based on the English system with however certain modifications required by our local conditions. According to our scheme, all lorries will have to obtain permits specifying the area in which they are ordinarily allowed to ply. The system is so designed as to render evasion by public lorries difficult while allowing free scope for private lorries to be used in the ordinary course of the industry.

The second matter relates to the taking over of district board toll-gates by the Government. This step is rendered necessary by the scheme of taxation proposed and also in the interests of uniformity in the rules and in the administration of tolls. The present system of toll-gates managed by different agencies has led naturally to variations in rules, rates of tolls, etc., which are anomalous in these days of fast traffic. There are, for example, variations with regard to time of exemption from payment of a second toll, with regard to toll-gates on which such exemptions hold good and exemptions with regard to tolls on bullock carts, rates of tolls on lorries, to mention only a few. Uniformity in respect of these is a great desideratum and when we are appointing a Central Traffic Board, it is natural that the powers now vested in the District Boards would have to be transferred to that Board.

Next, exemptions from tolls applicable to a large number of motor vehicles under the scheme of taxation naturally deprives District Board toll-gates of a large portion of their income and the question of compensation would still remain even if the toll-gates continued to be under the management of District Boards. All considered, the best solution seems to be in bringing all the toll-gates under Government management. The taking over of the toll-gates will not have any adverse affect on the finances of the District Boards, as it is proposed to compensate them for loss of toll income. During the first three years the amounts will be fixed on the average income of the three years preceding the introduction of the new Regulation. After the first period the amount of compensation will be fixed on some equitable basis on the experience gained and on the conditions prevailing then. Municipalities also will be compensated on the same basis for the loss of vehicle tax income. The mileage cess will be apportioned between the local bodies as at present.

The part of the bill relating to tolls is intended to give a statutory basis to the levy of tolls which is being now raised under the authority of a Notification issued by the Chief Commissioner in the year 1876. When the bill was placed before the Representative Assembly, strong objection was taken to the levy of tolls on bullock carts and the Government in deference to its wishes agreed to continue the existing exemptions which bullock carts enjoyed. In the bill the provisions of the Chief Commissioner's Notification have been repeated but there is provision also to grant exemptions as at present, and according to the promise made by Government the existing exemptions will be continued.

On the question of road rail competition, the proposals of the committee which have been accepted by Government are as follows:

On the roads running parallel and close to the railways, the Railway Department may be given the exclusive option of running such services as the controlling authority may allow them. These may include extensions which form feeders to the railways, when the controlling authority cannot secure independent licensees to run them.

On roads that short-circuit the railways, the railways need not be given the monopoly but may be favourably considered in making selection for licensing.

These proposals are based on the principle that the public should not be deprived of the advantages of any means of transport and that in public interests wasteful and uneconomic competition should be avoided.

Sir, I have tried to briefly explain the main principles underlying the proposed scheme of legislation. As I have said, it is not the intention of Government to secure any very large increase of revenue. They will be content, so long as the number of motor vehicles remain the same, if the same revenue is secured. There is a great deal of misapprehension about the objects and effects of the proposed bill and I dare say full expression will be given to all of them during the course of the discussion. But I hope that most of them will be found on consideration to be without serious foundation.

I have to add that in the Representative Assembly this bill did not find acceptance. Nevertheless, Government have considered it desirable to place it before this house as the measures that are proposed to be adopted are considered to be quite necessary.

THE GENERAL SECRETARY TO GOVERNMENT (MR. S. ABDUL WAJID), SECONDER.—Sir, I beg to second the motion.

*MR. J. MAHOMED IMAM.—I am sorry I have to disagree with many of the provisions of the bill. I have gone through the bill and I have also listened to the speeches of members. The more I read the provisions, the more I am convinced that the introduction of this bill will create more complications, at the same time affording very little convenience to the public. I hold no brief for bus-owners, but I am interested in the public. This bill is purely of an experimental nature. This is the second place in India that has been adopting such a bill. The first to try it was the Madras Presidency and I think this system did not work well there. The income they got through the buses went down considerably, so that now they are thinking of going back practically to the old system. I am anxious

that the same fate should not befall this measure.

In a country like ours, where the railway or road communication is so little and where there is very little possibility of extending the railways, you will agree with me when I say that the bus service came like a blessing. There was a time —and that time was not very long ago— when all of us, especially those that lived in the remote corners of the State and those that lived very far off from railway stations, felt as if we were in a desert, for want of communications. The only means of communication was what may be styled the "oxomobile". And this system had its own inconveniences and it was attended with a number of troubles, chief of which was highway robbery. The system of bus service came like a blessing and proved a boon to the public; because it provided them with cheap means of communication, and apart from it, it helped the development of the country parts. As was pointed out by the mover, it has really helped in the spread of business and industry, and it has afforded various other facilities. So, if the measures you adopt are such as are calculated to hamper this bus industry, then it will be a rude shock to the public and they will have to suffer a good deal.

If you just take the statistics and study the financial condition of the bus service, as it is under the present taxation, I can assert that very few bus owners have thrived. I know from experience that hardly about 10 per cent have been able to meet their expenses, so much so that a large number of bus owners have been ruined, and I do not think any bus owner has continued his business for more than three or four years. When such is the case, if you take strong measures to increase the taxation, it would be a serious blow and no bus service will survive. I am not concerned so much with buses as such, but my anxiety is that, ultimately, means of communications should not become very rare. I agree so far as the first portion of the bill is concerned, which deals with administration. I also agree to have a Central Board— that will be very much better –but, I find at the same time, that large powers are vested in this body: this will pratically be the controlling authority for the whole State. So, it is quite necessary that this Central Board should possess first-hand knowledge of the whole State, because it is this Board that will determine what portions of the country need what number of services and so on. But unless this Board is fully representative of the whole State, I do not think it can do full justice. For example, if the Board is composed of persons who are living round about Bangalore, they may not be able to understand or realise the situation existing in other districts. So, either it must be manned on a territorial basis or there might be a Central Board assisted by *ad hoc* committees for each district to advise the Central Board regarding matters that are peculiar to each district. Otherwise, it will be very difficult; many a time, the Board will be misled with regard to the conditions existing in a particuar district.

Regarding the proposed taxation, I must emphatically state that it will work as a very serious hardship on the bus owners. As it is, the motor bus people have been burdened with a number of taxes; I think they are already paying, excluding duty on petrol, a road cess, a petrol tax, and various other taxes; and added to this, they are paying a service tax and vehicle tax and road tax, etc. Of course, it is believed in some quarters, and I too believe it, that the more the taxation the more progress there would be in the country. It is also believed that the more the taxation, the more are the amenities that the public can enjoy. At the same time, the taxation must be reasonable and equitable and it must be within the paying capacity of the persons on whom you propose to levy the tax. Now, if you levy the new taxation, will it be within the paying capacity of the bus owners? Have they been making sufficient gains to meet this new form of taxation? If the Government are convinced that the bus owner are capable of paying, or are earning enough to pay such a taxation, I have absolutely no objection to their levying it. On the other hand, if the Government are convinced, that a large number of bus owners have been ruined, especially due to the present depression, then, there is absolutely no justification to enhance the present tax. I wish you had taken certain statistics and ascertained how many bus services there are in the State, how many of them are thriving, and how many of them have made money. If you had done that and if you had been convinced that they are thriving, then there would have been every justification. As it is, you propose to levy this tax without knowing the actual condition of the bus owners. The Member in his speech said that the new tax is almost equal to the toll that they have been paying. I think if sufficient modification is made in the schedule so as to keep the taxation within the existing limits I shall be agreeable to that. As it is, you propose to levy at the rate of Rs. 32 per seat in the case of buses. That will come to Rs. 800 roughly, whereas, at present if they pay the toll, and if they compound, that will come to only about Rs. 400. So, under the new system of taxation, they will be paying almost double the amount. By levying the service tax you will be surely enhancing the taxation and you will be asking them to pay much more. On the other hand, instead of having Rs. 32-0-0 as the maximum, it will be equitable and reasonable if you levy Rs. 20-0-0 per seat, because it will be a little more than or almost equal to what they have been paying now by way of toll.

I am living very near Bellary District and I was there when the system came into force. Within a fortnight, a number of buses and bus services disappeared because they were quite unable to pay,

and it was ruinous especially for short line services. It might be all right for long distance buses, for instance 50 miles or more. But to those buses which ply for hire within a very short distance of 25 or 30 miles, it will really be a ruinous affair, because, within a short distance, they will not be able to earn anything very much and the tax you fix will be quite out of proportion. That a system of guaranteed services might be introduced was therefore pointed out. In fact, in some places and localities, short line services are quite essential. They are sometimes an absolute necessity, as for example from Jagalur to Chitaldrug or Challakere. It is impossible to have guaranteed services in such routes as from Challakere to Pavagada. It is therefore very necessary to make sufficient provision for short line services and they are quite necessary in the interests of long distance services also because they will act as the feeders. So, in the interests of short line services, it is better to lower the amount of the service tax you levy. For example, you can have a sliding scale on the basis of distance covered by each service. I want a sort of differentiation to be made between short line services and long line services. I want you to levy a lower rate of tax on such buses as ply for hire within short distance and an enhanced rate on such services as cover long distances. It is better if you prescribe a sort of a sliding scale in the schedule: to have about 15 rupees per seat for such buses as ply for hire within a distance of 40 miles, and about 5 or 6 rupees more for buses which ply for hire over a distance of 50 miles or more.

Some of the buses have to ply for hire both in the Mysore State and in the neighbouring British districts also. For example, there is a service between Chitaldrug and Bellary. The owner of such a bus has to make double payments. He has to pay the Mysore Government at a certain rate per seat and also pay the Madras Government at a somewhat higher rate—Rs. 40.

MR. K. MATTHAN.—How much? Rs. 40?

MR. J. MAHOMED IMAM.—Anyhow he has to pay twice.

MR. K. MATTHAN.—Do you think that the Mysore Government should levy no tax whatever and let the whole tax collections be taken away by the Madras Government? Is that your suggestion?

MR. J. MAHOMED IMAM.—To have bus services to our neighbouring British districts is a matter of necessity; but a bus-owner residing within the Mysore State running his bus from a place within the State to a place in the British Indian territory, has to pay both the Governments as there is no reciprocity. So, the result would be that there will not be any communication at all; all communications will come to an end between the Mysore State and the British territory.

MR. K. MATTHAN.—Do they not pay toll now?

MR. J. MAHOMED IMAM.—They pay toll.

MR. K. MATTHAN.—Tolls will be abolished hereafter as far as buses are concerned.

MR. J. MAHOMED IMAM.—Anyhow you will charge much more. But there is another thing. Before the Madras Government introduced the new system, there was reciprocity and a number of buses were plying for hire from the Mysore State to the British districts. If this ceases what should happen? Either we must go by a circuitous route or the buses must pay a special tax to Madras Government. Look at the trouble and inconvenience! It is against modern tendency to cut off communications. So, I suggest that it is better that, while you introduce this bill, you should provide for some sort of reciprocity. It is quite unfair that a bus-owner, out of the poor return he gets, should be made to pay both the Governments.

There is another difficulty. If you levy these taxes, it must be only on the buses that are actually plying for hire. For a big owner, it might be necessary to have spare buses. On such buses also he will have to pay taxes under the new scheme. You must collect the taxes only on the buses that are actually running on the line or for which you have issued licenses. Buses which may be kept for use in emergencies, must be exempt from payment of such taxes.

So far as vehicle tax is concerned, it is quite unfair to ask a man in a village to pay the same tax as a man living in Bangalore. The latter can very well afford to pay Rs. 40 or Rs. 50 per year. He has got miles and miles of tarred road available for use, whereas I, for example, hardly take my car out once a month in my small place. To ask me to pay Rs. 40 a year will really be quite unfair. So, it is better to make a sort of a differentiation in favour of those in smaller towns, and expecting more from those who are living in the cities of Bangalore and Mysore since they enjoy tarred roads and electric lights.

MR. K. MATTHAN.—I think they pay for electric lights!

MR. J. MAHOMED IMAM.—Sometimes they can go without head lights to their cars! On the other hand, in my own place, I can hardly make use of one or two miles of road and even that road will be full of stones and ruts. You must levy a lower tax in all such cases.

So far as punishments are concerned, I have something to say. Even for *bona fide* mistakes, you provide for punishments. If by some mischance somebody leaves behind his license at home forgetting it.....

MR. K. MATTHAN.—Would you mind referring me to the section?

MR. J. MAHOMED IMAM—Section 8 (i).

MR. K. MATTHAN.—There can be no question of forgetting. It has got to be exhibited.

MR. J. MAHOMED IMAM.—Supposing he forgets?

MR. K. MATTHAN.—He should not do so. It is not to be carried in the pocket; it has to be exhibited on the car.

MR. J. MAHOMED IMAM.—Then there is no need for this section at all. Again,

in Section 9, for failure to pay the tax, you have a penal clause. You have proposed to recover the dues as if they were arrears of land revenue. I think the latter portion is quite enough. What you want is the recovery of tax. As long as the car is there, and as long as the man that pays the tax is there, it is quite enough if you call upon him to pay. Why should recovery be as an arrear of land revenue? And why do you want in addition, the penal clause? It is better you delete it.

MR. K. MATTHAN.—Even now it is so. If the vehicle tax is not paid, the municipality can prosecute.

MR. J. MAHOMED IMAM.—I do not know if all municipalities have bye-laws to that effect.

MR. K. MATTHAN.—Under the law, every municipality has its own bye-laws.

MR. J. MAHOMED IMAM.—Even if it were so, it is high time you deleted the clause prescribing that punishment.

Regarding tolls, I am one of those who are very much interested in the welfare of the district boards and I am anxious that their revenue should not fall, because the progress of the country as a whole depends upon the progress of the district boards.

It is proposed that a sort of rateable distribution of collections will be made among all the district boards on the basis of the average income of the three years previous to the introduction of this law. If you take the average now, it might be quite equitable so far as the district boards are concerned. But after three years, you again intend striking another average, when the share of the district boards is bound to go down; for, you calculate the average on the basis of the toll that would be derived by levying it on taxis and buses, on cars and on everything. But after three years, these buses will be exempt from taxes and some lorries also will be exempt.

MR. K. MATTHAN.—Will the member kindly say what the basis of his statement is?

MR. J. MAHOMED IMAM.—How are you going to strike the average?

MR. K. MATTHAN.—Please see if there is any striking of average. You are gratuitously assuming that it is going to be on an average. Do not assume that it is so.

MR. J. MAHOMED IMAM.—With these words, I would submit that these taxation proposals will work very hard on the bus-owners and consequently it will reflect upon the users of m tor vehicles also. So, I submit again that if you be less hard and if you reduce the rate, it will be all right.

MR. K. MATTHAN.—On the point about enhancing the burden on the bus-owner I have already said that, on the whole, that is not the intention.

MR. K. CHENGALARAYA REDDY.—But the effect will be that.

MR. J. MOHAMED IMAM.—If the intention is not to levy excessive rates, the proposed rates ought to be reduced.

MR. K. MATTHAN.—Those are only the maximum rates.

MR. J. MAHOMED IMAM.—But I am sure you will levy the maximum rates provided. If you fix Rs. 5 per seat, everybody will be satisfied.

The Council rose for lunch at this stage and reassembled at 3-35 p.m.

*MR. H. C. DASAPPA.—I do not know, sir, if in recent years any measure so highly controversial as the one that the hon'ble First Member of Council has moved to-day has been brought before this House. Though he has placed the matter before the House in a very lucid, able and comprehensive speech, the history of this bill seems to be a highly peculiar one. From the radical but very desirable proposals that Mr. Rajagopalachari's Committee framed, namely, the abolition of tolls and the introduction of the provincial tax, to the present bill which retains practically all forms of levies on motor traffic, I think the breach is really a very long one, and no explanation whatever has been forthcoming as to why the Government have been pleased to prefer the one to the other.

I should, sir, confine my remarks to the two aspects of the bill, namely,—

(i) the organisation that is required to control and administer the road traffic, and

(ii) the proposals of taxation.

It has been admitted that this new industry has come as a very beneficent one, administering in its wake a lot of good to the country both from the economic and from the educative point of view. Therefore, I do not think, between the Government and the members on this side, there is any kind of dispute as regards the desirability of fostering this industry and seeing to its expansion as far as possible. I take it that the attempt to form a Central Traffic Board as is contemplated in Part II of the bill is with a view—a very happy view—of co-ordinating the entire traffic in the State, particularly that relating to motor vehicles.

Sir, when this new Board was envisaged, I was thinking that this new Board would practically have all the control over this traffic, and that its powers were quite wide and comprehensive. But, what is it that I find? They have all the responsibilities without any of the privileges of looking after this important branch of the industry of the State. Powers, if you call them, or privileges or responsibilities of a Board, without control over finance, would practically mean nothing. This Board, of which so much has been spoken, has not even the powers of the Legislative Council, or even of the Representative Assembly. Here, at least, we have a Standing Finance Committee which watches over the finances of the Government, and scrutinises the estimates. But what is it we find in the Central Board? With regard to the whole scheme of taxation, the Government have reserved powers for themselves, and they have not even provided for consulting the Board with regard to the various levies.

So, in the first place, my criticism with regard to the first part of this bill

is that if Government want to give effect to their intentions, they have got to revise those powers and duties which are now delegated to the Board, and they have got to give them some control over finance; and unless this is done, I see not much good coming out of this Board.

The second point with regard to this Central Board is what, to some extent, Mr. Imam referred to. The interests of each district and of every part of each district cannot be fully realised by this small Board which is to be constituted under this bill. I am sure the authority on behalf of the Government who could decide this question best is the District Magistrate. Because, he is fully conversant with his jurisdiction. But all this is transferred to the Central Board. Unless the strength of the Board is considerably increased and you have got representatives from the districts, I am afraid that the whole case would go by default and many people who either ply for hire—whether bus service or lorries—would stand to lose considerably.

Then, I would take more of the time of this House with regard to the proposals of taxation because it is there that, I believe, the cleavage between the Government and the non-official side of the House is bound to arise.

The origin of this new bill, as has been stated, is due to the proposals of the Todhunter Committee. The hon'ble the First Member was pleased to say how the committee came to be constituted. It was in 1932 when there was a strike of bus-owners on account of the increase of road cess from three pies to six pies in the case of non-railway competition roads and six pies to twelve pies on competition roads, and when the bus people clamoured for a reduction of the cess, that the committee came into existence. I do not believe that if they had not gone on strike, this committee, would have come into existence at all. Now, when the bus people have been clamouring for reduction of the rates of road cess and so on, we are presenting back to them proposals which, as I believe I will be able to show, will not in the least go to relieve them but on the other hand, will impose heavier burdens, on them. This part of the bill, I consider, is very important because even the hon'ble the First Member dealt with it very elaborately.

I would first of all take up the question of revision of the rates and refer to the distribution of the realisations between the Government and the local bodies. It is provided here that at the end of three years, there would be a revision. The manner of it is not, of course, indicated. I would like to know whether in any part of the bill there is a provision for increasing the number of motor vehicles that would be plying on the road. I am sure it is within the knowledge of the Government that within the past eight or ten years, the revenue from these motor vehicles to the local authorities has been something very very considerable. If we take the average for three years past and fix the amounts that are to be distributed among the various local authorities, I would desire that in the bill itself due provision and safeguards must be introduced to say that with the increase of the motor vehicles, there would be a corresponding increase in the amounts distributed to the local authorities.

As regards cars, I would submit that the schedule that relates to cars is possibly the least objectionable. I do not know how the cars came to be treated favourably—possibly because there is sufficient public opinion in favour of the cars, while the bus people and the lorry people cannot make themselves heard so well as the car-owners. That may have accounted for not introducing too radical a change in the taxes on motor cars. But, even there, I would submit that, with regard to the composition of tolls, it would work as a greater hardship than in Madras. Let me at once point out that the system in Madras is the costliest and most vicious system. No other province in India has ever thought it fit to adopt the principles now in force in the Madras Presidency. If one pays Rs. 100, one can travel thousands of miles without paying any toll. Here, in addition to the vehicle tax which varies from place to place, if he wants to compound, he has to pay another Rs. 100. So, taking that on an average he would pay the ordinary vehicle tax of Rs. 40, he would have to pay Rs. 100 *plus* Rs. 40: in any case, much more than in Madras so far as people who want to compound are concerned.

MR. K. MATTHAN.—May I remind the member that they are both maximum rates? There is no use comparing the maximum here with the actual elsewhere. They do not afford a common basis for comparison.

MR. H. C. DASAPPA.—I may say that these rates themselves are likely to be charged.

MR. K. MATTHAN.—Your assumption is wrong. I may again assure you that they are only the maxima.

MR. H. C. DASAPPA.—If so, I do not want the discretion to be vested in Government. Please reduce the rates and I will be satisfied. Why should maximum be something more than what the actual is going to be? Even proceeding on the basis that that is the maximum, I say that the maximum is too high; and if I convince this House that the maximum is too high, why should it be kept so high? Even with regard to cars, in the small limited area of the Mysore State, you have put the composition fee at as high a figure as Rs. 100. All that I say is, it is best that Government do not put such serious impediments in the way of mobility of traffic. And this kind of internal obstruction to easy traffic is a thing which is bound to have a reaction on all our industries and enterprises in the State. That is a matter which I beg the Government to bear in mind in considering all the other proposals as well.

I proceed next to the question of lorries. We were very grateful to the Dewan-President of the Assembly for

the assurance he had given us that there was no desire whatever on the part of the Government to seek any additional revenue by introducing this bill. Sir, that is a matter on which I would like to express the gratitude of the public to the Government and the Dewan Saheb. But I ask whether that assurance is implemented in the bill that is placed before us. Let me take the question of lorries. What is it that the lorries have got to pay? That is one aspect. First, let me refer to the jurisdiction they will have when they get a permit, and secondly, to the rates they have got to pay. What you have provided here is that the areas in which they have got to move are to be specified under the license. I can conceive of no greater hardship to the lorry-owners and no greater damage to traffic and to industries than trying to specify the area within which a lorry, having paid its tax, should move. What is the object? After all, if I ply a lorry, I simply do not know where I would have my clients—wherefrom I would gather them. It may be I go from Mysore to Hassan, Mysore to Bangalore, Mysore to Coorg and Wynad or Nilgiris. When once I pay this increased heavy tax, why is it that the area should be specified so far as my lorries within the State are concerned? That, I think, is one of the serious objections which lorry-owners would have to this restriction as contemplated in Part V of the bill. Then, the next thing is with regard to the tax that is proposed to be levied on these lorries—the road tax, as you call it (*vide* Schedule IV B under Section 6 b). When I saw the figures, I thought that, after all, the lorries had not much of a grievance at all. But it is only when I looked up at the top, and found it was a quarterly tax, that I got the shock of my life. Let us take private lorries. They are asked to pay on an average about Rs. 280 of road tax. After all, who are the persons that are likely to have these private lorries? Primarily, as I have seen in the malnad areas, it is coffee planters who own these motor lorries. Coffee planters have been sufficiently hard hit and yet, they have got to maintain lorries for their own agricultural purposes. And they have to pay as much as Rs. 280 on each of them.

Mr. K. Matthan.—The hon'ble member has forgotten what I said—that in respect of lorries, our rates are lower than those in the adjoining presidency.

Mr. H. C. Dasappa.—Certainly not. Certainly not lower than in Bombay. They may be lower than the rates in Madras. Bombay is as much an adjoining presidency of ours as Madras. And as I said, the Madras system is the most vicious system and it will be a great blunder if we take Madras as our example.

Mr. K. Matthan.—I am not referring to the system. I am speaking of rates. The hon'ble member was just now referring to the rates for cars here being more than those actually prevailing in Madras. Therefore, when the member again referred to lorries, I thought it would be right to compare the taxation on lorries here as proposed, with the taxation in Madras.

Mr. H. C. Dasappa.—When I referred to Madras and compared the rates, I premised my remark by saying that Madras was the worst, and Mysore was going to be worse than the worst in India. As I said, it would be altogether going on the wrong track if we hold out Madras as an example. I am referring to the generous assurance given by the Dewan Saheb. Here one and a half ton lorry gives us a tax of Rs. 150 *plus* tolls. A lorry that is let out for hire is now paying Rs. 200 *plus* toll. We have increased the tax to Rs. 420 *plus* tolls. Of course, we have got to modify it.
There is no question of exemption of tolls all over the State and it was admitted by the First Member that lorries have got to pay more at present.

The next thing is with regard to motor cabs and taxis—item No. I A. At present, the tax paid is only Rs. 50 *plus* tolls. Now you have proposed a service tax of Rs. 120, quite apart from tolls. Rupees 50 raised to Rs. 120 *plus* tolls is not, I beg to sumbit, in keeping with the existing system, and if they want to get rid of the tolls, they must pay again Rs. 100. So, it will be Rs. 100 *plus* 120 without tolls, or Rs. 150 *plus* tolls. That will be an increase of more than 120 per cent. I submit that that is not the way of trying to keep to the existing revenue but will practically amount to doubling the revenue.

The next thing is with regard to motor cabs, Item No. 1 (*a*) Schedule IV C. We have got to pay Rs. 30 as quarterly tax. I see no provision for exemption of tolls there. They have got to pay Rs. 120 *plus* tolls.

Mr. Mahomed Abbas Khan.—May I assure the member that they are exempt from tolls? Service tax buses paying mileage are exempt from all tolls.

Mr. H. C. Dasappa.—It is not a question of cess at all. I am speaking of service tax in Schedule IV C. What has happened to the bus-owners is this: that it is practically exchanging king stork to king lob. They claim for bread; they have got stones. For those services which now do not pay any tolls, it would be a hardship to pay at the increased rates. I wish the hon'ble the First Member of Council had presented us with a statement as to what is the number of services in the State which does not pay any tolls at all. I have got a very rough idea—but no statistics to prove it—that more than 50 per cent of the services in the State do not pay any tolls. I ask whether, in the case of these more than 50 per cent of buses, the levy of a service tax on every seat is not going to be a tremendous burden and would it not mean for the Government a very profitable source of revenue?

The next thing is with regard to the second class of cases mentioned by the hon'ble the First Member of Council, *i.e.*, those services which pay one toll. Even, there it was admitted that it would be a hardship, because the composition of toll now means Rs. 400. The

least that one has got to pay for a bus under the proposed legislation is Rs. 600 or a little above that, because there are hardly any buses of less than 20 seats. Twenty seater buses have got to pay Rs. 600 which is 50 per cent over and above what they would have paid otherwise. Let me assure this House that there may not be even 5 per cent of our services which pay more than one toll. Even when they have got to pass through two tolls, they keep the buses running from one end to the other with the result that they get the benefit of the 24 hour rule. I can give any number of such instances. For instance, if a bus comes from Tiptur side to Mysore, it may have to pay toll at Kirangur or Seringapatam. But having paid in the afternoon, it does not have to pay again the next morning, so that even where we have got a service which traverses over distances having two tolls, practically on account of the benefit of the 24 hour rule, they have to pay only one toll. Under these circumstances, the reason given by the First Member of Council, *viz.*, that where a service has to pass through two tolls it is an advantage, is no advantage in fact. It may be so in theory, but in practice it is not advantageous because nobody pays two tolls. Possibly the only exception that I have known is the Bangalore-Mysore road where they pay two tolls *plus* municipal toll. Therefore, this additional taxation with regard to the buses on seating capacity is a thing which will be practically killing an industry which has served a very useful purpose.

Having said so much with regard to the service tax, let me proceed to the question of road cess. I thought and sincerely thought when I came to know that we have to pay this service tax that the road cess would practically disappear. But what do I find? We have got to pay the road cess at the same level except in the case of railway competition roads—after all, that is not much—and in addition we have got a heavy service tax. This is the upshot of having approached the Government and got them to appoint a committee, and this is what the bus-owners have derived.

I do not need to expatiate on the advantages of this industry and how important and wholesome a purpose it is fulfilling in the State in trying to open up vast uncultivated and backward tracts in the State, and how very important it is both from the educative and economic point of view and the point of view of protection to the people at large. But are we to think that the Government is seriously going to derive any advantage under this? The hardship will be three fold. I do not think that if this bill is placed on the statute book, the Government are at all going to derive any additional revenue. I will give the instance of Madras. You will be ruining the industry by killing the goose that lays the golden eggs. In 1931-32, in the Madras Presidency, there were 6,101 buses. But after the new Madras Motor Vehicles Act came into force—on which of course the First Member has laid so much stress—what has happened? This number got reduced towards the end of the year to 2,291 and in 1932-33, there were only 1,935 buses in the whole of the Presidency. More than two-thirds of the number of buses was thrown off the roads. May I ask whether the Mysore Government are going to follow or emulate the excellent example of the Madras Presidency? Then what about the public? To what extent would all these facilities and conveniences be withdrawn from those men, women and children who are making use of these buses? To that extent, we are, I believe, putting back the hand of the clock of progress in the State. Thirdly, what about the bus-owners themselves? Sir, a large class of people, not all of whom are very prosperous, have taken to this industry because other people would not get into it. They are not only making a living for themselves, but have also employed in their workshops a number of trained hands from the Engineering College and the Engineering School. It is they who find employment there and also a number of other skilled labourers. When, for the sake of maintaining and fostering an industry, we are prepared in other directions to spend so much even at the risk of incurring heavy losses, is it right that the Government should impose all these numerous additional burdens on the bus-owners and the lorry-owners? That is what I want the Government to finally answer.

My friend Mr. Mahomed Imam referred to the fact that quite apart from these heavy taxes, the bus and lorry owners are paying in an indirect way quite a large sum to the coffers of the State by way of petrol tax. This petrol tax revenue is itself a very appreciable amount. We get even at the small fraction of one-fifth of the tax that is paid to British India, as much as nearly three lakhs of rupees. Surely not all of it comes from bus-owners and lorry-owners, but it may safely be taken that about 80 per cent of the petrol consumed in the State is consumed by the bus and lorry-owners. Therefore, it is not that they are not paying any tax at all. They are contributing in different ways. Therefore, I submit that so far as the taxation proposals are concerned, they are totally unacceptable to us if the Government choose to stick to them as they are fixed in the schedule.

There are a number of other small points. One of which at any rate I want to bring to your notice and that is the question of reciprocity. That is not a matter on which there could be any provision in the bill but surely the hardship that my friend contemplated in the case of the imposition of service tax in Mysore in addition to road cess would be something very great and unbearable where we have got a service between Madras Presidency and Mysore. And therefore, I am only appealing to the Government that they should come to some kind of reciprocal

arrangement with the neighbouring presidency whereby our motor vehicles need not have to make the same kind of payments there. We will give them the same privileges on our roads also if they choose.

The other point that I would refer to is this. In the explanation to Para 21 it is said :

"A motor vehicle used for transporting agricultural produce shall not, for the purpose of this section, be deemed to be used solely for the purposes of agriculture ".

In the vehicle tax schedule, I do not find any specific mention of motor vehicles used for purposes of agriculture. Possibly you might have to make special mention of it in Schedule IV. A. But what I am quarrelling with is the explanation attached to the section. I thought the Government were really doing a good turn to the agriculturists by exempting them from paying other taxes on the assumption that they were using lorries for agricultural purposes with a couple of seats and the lorry body behind. I want this House to contemplate any kind of a motor vehicle used for agricultural purposes which is not at the same time made use of for transporting agricultural produce. What is it that the agriculturist is expected to do ? He will have possibly a couple of seats or two more and the lorry body behind. Are we to say that we must not transport any agricultural produce, that he must use it only for the purpose of transporting seedlings and manure and that he must keep a separate lorry for transporting his agricultural produce ? I have been trying my best to discover the principle underlying this explanation, and I am at my wit's end. It is impossible for any agriculturist to have one lorry for transporting his manure and quite a different lorry for transporting his agricultural produce. And if during the harvest season he chooses to transport his agricultural produce, that lorry does not become entitled to exemption, but will have to pay Rs. 280 per year. This is an additional imposition which will not make way for any kind of healthy progress in the country.

Then, I have got in the end only to refer to a small point and that is about the rate of fee for composition of tolls on motor vehicles. You have made a distinction therein between cars weighing more than 15 cwts. and those weighing less than that. I see no such distinction made with regard to the rate of tolls paid. So I think with regard to cars weighing less than 15 cwts. you might have to lessen the rate.

MR. K. MATTHAN.—Is it possible for the toll-gate keeper to see what the weight of the vehicle is ? I do not think we can leave the weight of the vehicle to be ascertained by the toll-gate keeper.

MR. H. C. DASAPPA.—Do you mean to say that a toll-gate keeper cannot make a distinction between a baby car and other cars ? What happens is that you prevent a man from taking his light weight car from Bangalore to Mysore, or any part of the State. It is quite possible to get the benefit contemplated in schedule III over schedule II. There would be no difficulty.

My submission any way is that while from the point of view of the constitution of this Central Traffic Board, we may be deriving some advantage of which we cannot be too sure—we simply do not know ; it is purely a hypothetical question—now so far as the public and the bus-owners are concerned, they have to pay enormously high rates and taxes and therefore I have no hesitation whatever in opposing the bill as it is brought before the House.

MR. K. T. BHASHYAM AIYANGAR.—Sir, while I welcome the principle underlying this bill I regret I cannot give my consent to the bill as it is because the very object with which you introduce this bill will be defeated by its being passed. Now what is your object ? Motor traffic is not properly co-ordinated, and there is no central control. There is on the other hand a great deal of inequality in the incidence of taxation. You want to equalise taxation and you want to have a central co-ordinating and controlling authority. So far, it is very good. But if you introduce this bill what will happen ? You will kill all short distance services. Take for example, the case of buses that now connect the interior parts with other trunk roads or railway stations. Take specific instances such as Malur-Masthi or Banasandra-Chiknaikanhalli or Bangalore-Anekal. What will happen in their case ? The bus owner to-day has got to pay only the mileage or road cess and he has got to pay the municipal toll. Even if he pays toll at one gate, he will not pay more than a compounding fee of Rs. 400. After this bill comes into force, he will have to pay not only the usual mileage but also Rs. 600 as service tax. It is impossible to concefve of small distance services surviving this heavy incidence of taxation. If you give us statistics of how many buses now running in the State pay tolls at two places, and how many pay toll at one gate and how many do not pay any toll at all, then we would be in a position to know whether you are really effecting an equalisation of incidence. I believe that there is a large number of buses running between short distances and helping people to reach the interior parts of the State. Hereafter, those small distance services will not be able to pay such heavy taxes and probably we will have to get back to the old days of the mail jut. Surely that is not in the contemplation of the Government. I therefore think that you must attack this problem from some other point of view. The way you have proceeded to attempt this equalisation is faulty.

And I should think this bill will not operate in the interests of either the Government or the bus-owners or the public that use the buses. Take the question of the Government. The history of the Madras Presidency in this matter, as my friend Mr. Dasappa has pointed out and as was very ably and effectively pointed out to the Assembly by Mr. C. M. Garudachar with a wealth of details, is

that since they passed the law on the lines of this bill, the number of buses that were plying in the presidency fell to a very low figure. You can easily imagine how easy was the facility for transport and communication when there were 6,000 and odd buses, plying form place to place and how when that number fell down to something in the neighbourhood of 2,000, people have been put to a great deal of difficulty and hardship. Commerce, trade, industry, loc motion, transport, everything gets dislocated if you discourage the running of the large number of buses that are now connecting places at short and long distances. The effect of this bill here will certainly be the very same as it has been in Madras. When in the Assembly I referred to the Bangalore-Hoskote line the hon'ble the First Member was very ready to tell me why not connect it with Kolar. Of course, that is an instance where he had the better of me. What is he going to say to Malur-Masthi, Banasandra-Chikaikanhalli and a hundred other small places which cannot be connected with any trunk roads?

MR. H. C. DASAPPA.—In Mysore, we have got the River Cauvery. We cannot cross it.

MR. K. T. BHASHYAM AIYANGAR.—There it is. A great deal of difficulty will be caused if you penalise the short distance services. You have got to see that beyond certain points, you cannot proceed by rail. Then you say that the long distance service is paying quite a lot of money. But the short distance man dies. You have not helped him. The effect of it will be that the number of buses will go down and the money that you were getting, and which the Dewan Saheb said he would be quite content to get, you will not get. In the expectation of more, like the proverbial Frenchmen, you will be losing what little you have.

MR. PRESIDENT.—So much the worse for the Government then

MR. K. T. BHASHYAM AIYANGAR.—That is what I say. It will not help the Government.

From the point of view of bus-owners, as I have already said, the short distance bus-owner will not be benefited; and it is only the long distance bus-owner that will stand to gain by this bill being passed into law.

MR. H. C. DASAPPA.—No. Not even he.

MR. K. T. BHASHYAM AIYANGAR.—My friend says that even he will not be helped. If he pays more than two tolls or if he pays two tolls, perhaps he will just scrape a few rupees out of what he is paying now. That is a very small advantage to gain and the disadvantage will be disproportionately large. Many of the bus-owners will close down, and it is only a few rich and influential men that will form a sort of ring and hold the entire bus service in the State. Surely that will not be of advantage and communications from place to place would be very unsatisfactory. There is a large number of people who have invested small capital and who have been able to run buses over short distances. Such people will be hard hit and you will be throwing out of employment very many of them and their employees.

MR. K. MATTHAN.—In cases where it becomes unprofitable and where the distance is so very short, what would happen is that these buses would be replaced by motor cabs. Then their taxes would be very much lighter. That is what would happen and they could go more than once between the same places.

MR. K. T. BHASHYAM AIYANGAR.—I shall presently come to meet that argument. You were also pleased to advance this argument in the Assembly. You imagine that because it is a short distance, the man will be able to run several trips. But can he get passengers every time he runs? For long distances, you can pick up people here, there or at another place. But that is not so for short distances. You have got to wait till the evening before you secure a few passengers. It is not as if the people are waiting there all the time. You will have to take the human factor into consideration. It is not so many bales of cotton to be loaded here and unloaded elsewhere. We must have a little imagination.

What will be the effect of all this? All short distance buses will have certainly to close. Government will not gain and bus-owners will have to go out of the field.

Apart from the question of increasing unemployment, what about dislocation of public traffic? That brings me to the next point. Are the public going to be benefited by your passing this bill into law? No, certainly not. Because the interior of the State will not be within easy reach of the buses and you will have to go back to the old jutka or what my friend said oxomobile.

Then, you will find another difficulty. This will automatically lead to the cramping of the cottage industries, village commerce and village trade. The more the facility and the ease with which you can get from place to place in the interior, the greater will be the development of village commerce and village trade and the improvement of villages by rural reconstruction. But what are you doing here? You are doing just the contrary. People will be put to great hardship and what is more, they will have to be at the mercy of long distance bus-owners. The capitalist bus-owners will form themselves into a ring and they will put up their own figures, so far as bus fares are concerned. Thus, you see that the Government will not gain, the bus-owners will not gain and the public will not gain. This bill is an ill-wind that blows nobody good. You have to attack this problem from a different point of view altogether. You have tackled the problem in a way but not in the way in which it ought to have been tackled. No doubt you have been labouring hard—very hard—by which to give relief to all people, but unfortunately you are landing yourself in a quandary

in which you cannot help yourself, and cannot help anybody else either. That is the sort of bill which you have placed before us. It is very unfortunate that the great good that you intended has been enveloped and engrossed by a great deal of evil. Much as we appreciate the motive with which you have worked at it and the goodwill behind it, the result of it is something which we cannot support. This bill sir is unsatisfactory and cannot be supported.

MR. A. L. HILL.--Sir, the title of this bill raised my hopes, but the contents dashed them. It had hopes of some encouragement and some better treatment for motor transport. As it is, apart from the uniform policy for the whole State which is admirable and for which we all, I think, thank you, here is fresh taxation for revenue purposes. In considering taxation on motor transport for revenue purposes, it is necessary to remember that revenue taxes are already imposed by the other authorities, unfortunately outside our control, and have to be paid before a vehicle reaches Mysore. The Government of India bars the way with heavy import duties with a minimum of 17½ per cent on commercial vehicles and 30 per cent on cars. One would think that these duties, savage as they are, would buy the freedom of the roads throughout the whole of India. But they do not. On top of them, the Government of India charge similar duties on replacements, notably tyres which all vehicles need, and lubricating oil too is taxed. In fact, all the necessities of motor transport are taxed. On top of these again, the Government of India charges no less than 10 annas per gallon of petrol of which no less then 8 annas go to general revenues and only two annas to the Road Fund. Again, one would think that the petrol tax alone would be enough to buy the freedom of roads in the whole country of India, but one would be wrong, as one is dealing with the Government of India.

Then, sir, the Government of India stands aside and allows an enfeebled motor transport to pass to the tender mercies of Provincial and State Governments. These closely follow the example of the Central Government and impose further heavy taxation. Then the District Boards have their turn and finally municipalities take a few more drops from the veins of poor motor transport.

Sir, it really is not right that every authority from the Central Government down to 'tin-pot' municipalities should thus tax motor transport. Unfortunately as regards outside revenue taxation, we can only wait in the hope that some ray of light will penetrate the dark councils of the Government of India and the Madras Government and cause them to allow motor transport to pass freely over all the roads in the land. Could we not in Mysore show a shining light to the Governments of India and Madras and let motor transport move without any barriers whatsoever in the State? Hitherto you, sir, have been merciful in State taxation though District Boards and municipalities have been allowed to take their pound—their two pounds of flesh—but now when you are introducing a general State tax, I do seriously ask you to help motor transport by crediting the whole proceeds of the State tax to a Road Fund to be used entirely on our roads. All you offer us in exchange for the new taxation is a Board. But I am afraid that unless it has a Road fund, the Board will be nothing more than its name—a dead piece of wood. So far we have not had much help in this direction. In comparatively recent times, income-tax has been imposed, but roads did not improve; land assessment has been raised, but roads did not improve; 10½ lakhs came off the Subsidy, but roads did not improve; the petrol tax was imposed from which I believe, we have already had about nine lakhs, but the roads, generally, did not improve. Having paid the State taxation, motor transport is still confined to the State. We are barred from Madras and we are barred from Coorg unless we pay further taxation in a most complicated way. Madras, fortunately perhaps, is full of awful warnings for us. I hope the warnings will be duly taken. I should like to support Mr. Dasappa strongly in asking that a licensed lorry should be free to use all our roads in the State.

As regards certain things in the Bill itself, in Schedules III and IV-B., provision is made for motor vehicles without pneumatic tyres. I think that in 1934 all such vehicles should be barred from our roads. Those who persist in using such vehicles can be described as nothing less than public enemies. I see no mention of bullock carts with pneumatic tyres though tyres over 2½ inches are mentioned. There is everything to be said for pneumatic tyred bullock carts. They will save our roads, they will make more money for their owners and mean a happier life for bullocks, and I think everything should be done to encourage them. I suggest that they be free of tolls for ten years and then pay only half rates. I may say that I have no interest at all in any pneumatic tyre company. I only wish I had. In Schedule III (*f*) (i) 'Trailer' is mentioned. Even in England, the most heavily taxed country in the world, particularly as regards motor transport, light trailers on private cars are free. And I suggest that they be so in Mysore.

Another point is that in Clause 6, there appears a phrase "motor vehicles kept for use." I trust that those who have miles of private roads will be allowed to use vehicles on them without being taxed; that use of public roads will be the test for taxation; that one may possess a vehicle free without using public roads. Madras found that they had to allow this after first taxing possession.

A most distressing thing in the bill is that it proposes to approve and perpetuate municipal tolls. No one as you know, sir, is in love with tolls, but District Board tolls are tolerable, *just* tolerable. I find it difficult to keep within the bounds

of parliamentary language when dealing with municipal tolls. What possible justification, what possible moral right have municipalities to bar our way on the road? It is a reversion to the Dark Ages when every town lived within its walls, barred its gates at night, looked upon all strangers as hostile and held them up to ransom. Now our municipalities bar their gates by day as well as by nights. After all, towns can be said to live on the country round them. They would find things difficult in an unpopulated desert. This taxation of visitors means a lack of civic pride. Municipalities should stand on their own feet. Mysore City, I am sorry to say, leads and Bangalore follows suit and I confess frankly that I resent every toll that I have to pay for entering them. After all, the whole State supports the Cities of Bangalore and Mysore. Sir, I cannot describe what I think of municipal tolls and I seriously and earnestly ask you to abolish them in exchange for the new State taxation. If my plea for their abolition unfortunately fails I would suggest that it may be made illegal for municipal councillors to exempt themselves from their municipal tolls. If all municipal councillors had to pay them, their views on such tolls might well change.

*Mr. G. S. Abdul Hameed.—There is one point. In Part VI of the bill, there is an explanation added to Clause 21 regarding motor vehicles used for transporting agricultural produce. Such vehicles have to pay taxes. What are agricultural produce must be mentioned. Apart from that, I feel the many requirements of agriculturists should have been included in that clause.

Another point is this. I hope it has been brought to the notice of the House that in the Madras Presidency, for instance in Mangalore, tax is levied up to Rs. 25. If you do not get into that territory within a period of three months Rs. 10 is refunded. Whether we can also do the same thing about cars which come from the Madras Presidency, we must consider. At present they do not pay any taxes to Mysore; they only pay tolls whereas we are exhorbitantly charged. So we may provide that those cars also should pay to Mysore the same taxes which our cars pay on entering any part of the Madras Presidency and we may also give refunds to them on the same basis as that followed in that Presidency.

*Mr. H. Siddaiya.—As much has already been said by the learned members of this House, I will speak on only one or two points. It seems to me that if the whole bill is taken into consideration, it has been so cleverly drafted with a view to get some more money to the treasury in the form of fresh as well as additional taxation. There is fresh taxation contemplated in the bill on bullocks and other animals. In spite of the definite promise made by the Dewan Sahib in the Representative Assembly, bullock carts have been brought under the schedule. In fact it is fresh taxation in the sense that the bullock carts were exempted from [illegible] interior toll-gates. They are now sought to be taxed. The assurance given by the Member in Charge of the bill is not to be found in the bill as it is.

Secondly, this is thought of just to enhance the existing rate of taxes on motor vehicles including cars and also buses and cars. In all the municipal areas, to my best knowledge and also from enquiry I made just yesterday and to-day, vehicle tax varies from Rs. 5 to Rs. 10. In Shimoga, I am paying Rs. 8 on my motor car. Under the bill, it will be raised to Rs. 40. Therefore it is obvious that enhancement is thought of under the bill. In the guise of uniformity so much has been enhanced in the bill. It has no doubt to be admitted that there is one advantage under the bill, *viz.*, that the bus-owners who run long distances, at any rate exceeding 40 or 45 miles and those who run buses along railway lines will be benefited. Barring these two exceptions, I see no other advantage either to the car owner or to the bus proprietors who will have to run their buses for short distances. As was pointed out by Mr. Dasappa and some others, and also as it is within our knowledge, they will have to pay double the amount if calculated carefully. As has also been pointed out by them, this is not a bargain for the bus proprietors because in certain roads there are no toll-gates at all. As pointed out by Mr. Mahomed Imam, nothing has been said about spare buses, whether they will be taxed or not.

Mr. K. Mathhan.—This point has already been raised by somebody.

Mr. H. Siddaiya.—There is also another point. There are certain roads where bus services are not allowed on account of the condition of the road. They are allowed only during summer, *i.e.*, fair weather season, and they will have to pay road cess only during the period they actually run the buses and not during the other half of the year. Such people also will be hard hit.

The other disadvantage is that for compounding which is allowed by several local bodies the buses were till now paying Rs. 400 per annum per bus. Now it will be Rs. 600 or more under the proposed legislation. On the whole, it seems to me that the bill is a good bargain to the Government and not to the bus-owners, nor to the lorry owners.

As regards compensation that the bill contemplates to make to the local bodies including the District Boards, the matter is not made clear. It is simply said that the accounts of three years will be taken into consideration. It is not said whether it would be the average for three years or whether it would be the highest or the lowest figure that would be given to the District Boards. When it was suggested that it would be the "average," there was some protest. I fail to understand whether it would be the highest or the lowest income. I am doubtful if the Government would give the highest. If it is the average income that is going to be given to [illegible]

into consideration. During the last three years, traffic has gone down on account of depression and the income also has naturally gone down. From next year and onwards in case more services were to come into existence, the District Boards will have to lose more money and the Government will make more profit. And the municipalities also will lose their income because as things are, more and more cars will come into the municipal areas. Since the tax which now varies in municipal areas from Rs. 5 to 10 is proposed to be raised to Rs. 40, and the entire amount will go to the State funds, the municipalities will be losing their income. So far as I know in Chikmagalur and Shimoga, there are several bus-owners who are running considerable distances every day. I know of one company which is daily running services over nearly 450 miles and which has invested nearly Rs. 40,000 on the industry and it has made only a profit of Rs. 200 last year owing to the existing conditions. If the enhanced fees are enforced, I am sure the concern will have to work at a loss. The smaller proprietors will have to close their concerns. As was also pointed out by Mr. Dasappa, it is sure as anything that since some of these proprietors will have to close their concerns, a number of skilled labourers will have no employment and the unemployment question will become more acute. For these reasons, I oppose the bill.

At this stage, the Council rose for the day to meet again at 12 *noon the next day.*

GOVERNMENT BUSINESS—BILLS

(concld).

The Mysore Road Traffic and Taxes Bill

(concld).

Khan Bahadur MAHOMED ABBAS KHAN. —Sir, I thought that after the most convincing, exhaustive and lucid statement of the hon'ble the First Member of Council there would be no opposition to this measure. (Cries of "hear, hear", from the Opposition). But, anyhow, there has been the opposition, probably due to various factors. Our neighbouring British Provinces regulated years ago the system of granting licenses to motor vehicles and also of taxation, while our system is still in a most confused state. We are now discussing whether it is desirable and expedient to introduce this measure or not. I may mention for the information of this House one or two instances that happened to me a few years ago. More than a year ago, when I went in my car to Palamnare, beyond the border of the Mysore territory, at the first station, the licensing officer asked me to pay Rs. 25 for making use of the roads there. I was not aware of the Regulation. The officer said that our hon'ble friend opposite, Mr. K. R. Sreenivasa Iyengar, Retired First Member of Council, had just then passed by that road paying the amount and that I also must follow the same procedure. I thought that it was a just demand that I must pay for making use of their roads or, otherwise I cannot expect to enjoy the amenities provided at the cost of others. I went to Vellore on my car promising the officer to pay the money on my return. At Vellore also, a similar demand was made. Anyhow I paid the money. Later, when I went to Ananthapur I had to pay Rs. 20, on my car, because it was the second month of the quarter and for two months the amount comes to Rs. 20. When I discussed with them, the justification of the demand they said that they had a right to demand of me to contribute something towards the maintenance of their roads as otherwise we could not expect their roads to be kept in a very good condition. With this state of affairs in mind, let us consider for a moment our present system of which some of our members seem to be the admirers.

To begin with, private motor cars are not liable to any taxation in the Mysore State except in municipal areas. And in the municipal areas taxes are not levied uniformly. For instance, as we heard yesterday, the Jagalur Municipality levies Rs. 6 per annum; the Shimoga Municipality levies Rs. 8 per annum; and the Bangalore Municipality levies Rs. 18 per annum although the maximum here is Rs. 30. I am referring to motor cars under 15 cwt. in weight. Is this system of taxation on an equitable basis—Rs. 20 or Rs. 30 or Rs. 40 in the Cities of Bangalore and Mysore and only Rs. 6 in Jagalur and Rs. 8 in district towns? If not, is it not desirable to bring all these to one uniform level? One important thing that is to be noted in this connection is that there is a very large number of motor cars, the owners of which do not pay any taxation because they are not living in municipal areas. I am referring to persons living in villages, plantations and coffee estates but still make use of our roads paying absolutely nothing for the maintenance of the roads (MR. H. C. DASAPPA: "*Tolls ?*") If they enter a municipality, they pay tolls if there is a toll-gate. But if they enter those places where there are no toll-gates, what do they pay? And still they are the persons who complain mostly that roads are in a bad condition that there is no proper and efficient supervision, and that there is so much of leakage, etc. They wish to enjoy the amenities of a civilised Government but do not at the same time wish to contribute towards the maintenance of the roads. (MR. K. T. BHASHYAM AIYANGAR: "*What a Crime ?*") Therefore I quite welcome the measure because Sections 6 and 7 of the bill contemplate that no car shall be permitted to make use of a road unless a tax is paid and permit obtained on that account, as a result of which all the cars, both in the municipal areas and outside those areas, will be subjected to taxation. It is nothing but fair that they should be so taxed. It will bring to the coffers of the State some more money. They ought to get more money, because they have to improve their roads and keep them in a good condition. Under the present system except a registration fee of Rs. 16 which is paid when the car is purchased for obtaining a certificate from the Inspector-General of Police, nothing more is paid. Therefore this wholesome measure should be enforced to control private cars all over the State, whether in municipal areas or outside, in order to bring them under one uniform system of taxation.

No doubt, objection has been taken to the quantum of taxation. But the figures quoted in the schedule to the bill are only the maximum figures. Let us take the practical side of it. What are the actual facts? These figures correspond to those relating to the city municipalities. It is clearly stated in the bill. In the city municipalities in respect of cars of 15 cwts. or below that weight, the maximum tax is Rs. 30 although as a matter of fact only a sum of Rs. 18 is being levied now. I inform this fact particularly to my hon'ble friend Mr. Dasappa who had entertained a doubt that it is open to the Government to levy the maximum itself. Again, let us take a number of other items and see what maximum has been provided for each and what the actual levy is. According to the Municipal Regulation, in the case of house-tax, the maximum is Rs. 6 while, as a matter of fact, only a sum of Rs. 5 is being levied. So also in the case of light tax, the maximum is Rs. 2 but only a moiety of it is being levied.

MR. K. T. BHASHYAM AIYANGAR.— By the municipality ?

MR. MAHOMED ABBAS KHAN.—Yes, by the municipality.

MR. K. T. BHASHYAM AIYANGAR.—But not by Government.

MR. MAHOMED ABBAS KHAN.—The bill has made it clear that the tax would be corresponding to the rates levied in the municipality. That is the point. I am one in favour of adopting in full the measure now in vogue in the Madras Presidency, that is, in regard to levying a uniform charge of Rs. 100 on all private cars and doing away with all these tolls. But, for very good reasons the Government have kept the level of taxation very low and also retained the toll tax. I do not wish to press that matter further.

Then, about lorries—Schedule IV-B. It was mentioned yesterday that the rates prescribed are exorbitant, excessive and prohibitive; but no arguments were adduced showing the data which enabled so. One thing is, these lorries will not be subject to vehicle tax. The only tax that they would be subject to will be road tax calculated not upon the mileage but upon the tonnage. These lorries are being made use of for mercantile purposes by large concerns and I do not think that the owners thereof would find it difficult to pay the amount prescribed as they would be enjoying facilities by making use of the lorries in place of bullock-carts. Even then, what is the tax that they have to give? For a lorry of 15 cwt. in weight Rs. 10 a month, and the number of trips it can make is not restricted. It may ply between prescribed routes any number of times, but still pay only Rs. 10 a month. If the capacity of a lorry increases, the taxation also will increase, proportionately, the maximum being Rs. 58 per month. Considering the amount of damage that is likely to be done to the roads by the constant use of these heavy lorries, I am inclined to think that the amount prescribed as maximum is not exorbitant, because only such of the people who really earn profit in their business would employ such locomobiles. Some of the excise contractors are being benefited by using such lorries for conveying toddy from one station to another, as also men dealing in food-grains.

About service tax, really there seems to be some misconception of facts on the part of some members. I think the Todhunter Committee have gone very deep into this matter and based their calculations upon facts which cannot be disputed. It is only a matter of mathematical calculation, and there cannot be two opinions about it. I would invite the attention of some of my learned previous speakers to this fact. Let us take the case of a motor bus of 15 seater capacity. (Mr. H. C. Dasappa: "*Not in our State. All motor-buses here are of 20 seater capacity.*") I will come to 20 seater capacity vehicles afterwards. Now let us take the case of a bus which provides accommodation for 15 persons. What is the taxation proposed for 15 persons at the rate of Rs. 30 per seat? It is Rs. 450. It must be remembered that under the proposed Regulation such buses will be exempt from payment of tolls. And what is the toll amount? If there is one toll, it means Rs. 720 per annum at the rate of Rs. 2 a day which under the present system one has to pay.

MR. K. T. BHASHYAM AIYANGAR.—*No.* We compound to it *Rs.* 400. With regard to compounding, I know as a matter of personal knowledge that people earning money wish to pay their toll the very day. They calculate so much for toll, so much for petrol, so much for service and the balance as their profit. So, the toll amount will come to as much as Rs. 720 and this amount they will be required to pay under the proposed system. But the vehicle tax, according to seating capacity, will be only Rs. 450. Thus, there will be a savings of Rs. 270.

Now let me take the case of a 20 seater bus. I was not able to follow the calculations of my hon'ble friend Mr. Dasappa yesterday. I did not like to interrupt his speech, then. On the analogy that two and two make four and not five or three, his calculations were not convincing to me. The maximum rate now prescribed is Rs. 30 per seat and at that rate it will be Rs. 600 per annum for a 20 seater bus and still it will be less than the payment for a single toll which is Rs. 720 as stated above. Even then there is a saving of Rs. 120. And if two tolls are to be paid the savings will be larger. But let us take the former case only, because it is admitted that at least one toll every bus plying for hire must pay somewhere or other. (Messrs. H. C. Dasappa and Chengalaraya Reddy.—"*No, no. More than* 50 *per cent are not paying anything*".) What about the toll when they go back to headquarters, for instance Bangalore City or Mysore City or Kolar Town? Apart from the tolls which they pay on the road, when they go back to their headquarters they have to pay toll.

MR. K. T. BHASHYAM AIYANGAR.—It is Rs. 30 for the whole year.

MR. H. C. DASAPPA.—There is no toll at all.

MR. K. T. BHASHYAM AIYANGAR.—If you want us to calculate, let us do so on correct data.

MR. MAHOMED ABBAS KHAN.—In the last session of the Assembly some of my hon'ble friends here were also present. I think they must be aware of the fact that a certain merchant, who happens to be a member of the Assembly and who deals in running buses, on his own admission said that he is paying at the rate of Rs. 7-8-0 per seat for the buses he is plying in the British territories. With headquarters at Kolar, he is running a large number of buses in Chittoor and Ananthapur Districts. When he was told that in our territory his bus would be exempted from tolls, he was immensely pleased. But he said that he had been urging on the attention of the authorities in the British territory to reduce the rate to Rs. 5 per cent but that they had not done so. In the Assembly the proposal was to levy a rate of Rs. 10 per seat and when he gave us the assurance that Rs. 7-8-0 was the levy in British territories, he was told that no toll would

be levied in Mysore; he was immensely satisfied, because he has to pay two tolls to go from Kolar to the British territory, one at the frontier gate and the other at Kolar when he returns, which means enormous sums. Here, tax according to seats is levied in lieu of tolls. That must be clearly understood So, there does not seem to be any room for apprehension that some of these bus owners may be put to loss. No doubt, some cases wherein losses were sustained were quoted yesterday. It was stated that a bus owner in Shimoga who had invested as much as about Rs. 40,000 had an income of only Rs. 200; but I know of cases where people have really earned money. And I also know cases where some people have suffered, suffered on account of unhealthy competition, and have been totally ruined, because in places where there is no demand even for two cars half a dozen cars are plying. And the object of the present bill is to give relief to such of the people who are now suffering on account of this unhealthy competition. The Central Traffic Board which is under contemplation will restrict the number of licenses to be issued so that one or two persons only can make profit thereby.

Then, it was said that in the Madras Presidency the number of buses had fallen down considerably. But I should say that people from Mysore have gone there and taken up the business. That shows what an amount of attraction there is for people to go to British territory and make profit. Otherwise the Kolar gentleman whom I mentioned above would not have embarked upon such a big scheme as to run his buses in large numbers in Chittoor and Ananthapur Districts. The Todhunter Committee have gone deep into the question, applied their minds, ascertained actual facts and then made careful suggestions to the Government, which after further scrutiny, the Government have placed in the form of a bill which is now engaging our consideration. This bill is sure to give relief to the sufferers and develop traffic. And the apprehension that people would be put to inconvenience or the bus-owners to loss is without foundation. Nobody need entertain that apprehension. On the other hand, facilities could be considerably increased. There will be a better type of buses; unhealthy competition will be avoided; and the accidents which are occurring here and there on account of bad buses and incompetent drivers will all be stopped. The formation of a Central Traffic Board is therefore a very good idea indeed.

Objection was taken to the fact that the Traffic Board will have no powers over taxation and finance. Certainly, it will be none of the business of that Board. Taxation or finance is the power vested in the Government or the Legislature. How can a Central Board be expected to administer these two important items of revenue? The object of constituting a Central Board is to administer the law and the rules framed thereunder by the Government, and to see the number of services that are required in each route, to grant them licenses, etc. as will be seen from the explanation furnished. And should any practical difficulty arise the Government who have got the power of revising the rules will adjust matters. Further, the Board will be a representative one. Mr. Mahomed Imam said that there must be sub-committees all over the State to advice the Board. I do not think there is any need for such committees. Representatives of several interests will be nominated as members of the Board in accordance with the provisions of the rules which the Government are going to frame. The several interests will thereby be safeguarded. The interests of private-car owners also will be safeguarded, because some of them will be on the Board. Therefore I give my wholehearted support to this very useful measure which, I hope, will not only regulate motor traffic particularly, but also give relief to many bus owners who are suffering under cut-throat competition already. And thus our Mysore State will be along the lines of the neighbouring British Provinces. We are already behind them by two years. With these observations, I commend this measure for the acceptance of the House.

MR. K. T. BHASHYAM AIYANGAR.—Sir, on a point of information, is it not a fact that we can compound the daily payment of toll by paying once for all a sum of Rs. 400 for the whole year?

MR. MAHOMED ABBAS KHAN.—No tolls under the proposed system.

Even if that be so, by paying a couple of hundreds more the man will not be a loser because of the limited number of persons who will be given the privilege of running these buses. We do require money to improve our roads. Now they are not in good condition. So the intention of the Government is not to make a profit out of it but in their attempt at regulating the system, even if they get a profit, that will be utilised for improving the roads which will be for the benefit of one and all.

MR. K. T. BHASHYAM AIYANGAR.—My friend seems to know the mind of the Government better than the Government itself!

MR. P. SUBBARAMA CHETTY.—Sir, this is a bill that has been very strongly opposed in the Representative Assembly and also rejected. Even in this House it has been opposed by almost every previous speaker except *Khan Bahadur* Mahomed Abbas Khan. I find that the arguments advanced for supporting the bill do not at all hold water. No doubt, the Dewan has said in his closing address to the Representative Assembly that it is not the intention of the Government to make more money by bringing this Regulation into force but that it is intended only to control the bus traffic in the State. I, therefore, expected from the First Member of Council who introduced the bill in this House that he would give facts and figures as regards the total collections from the municipalities, district boards and provincial toll-gates and also the antic-

pated income of the State by bringing into force this bill. In case those statistics had been furnished, I think it would have convinced us that it is not the intention of the Government to get more money by way of this taxation. But I find from the speech that was made by Mr. Abdul Wajid in the Representative Assembly when he introduced the bill that one of the objects is to avoid competition, *i.e.*, to enable the State Railways which have not been earning good income for the last several years to earn more income. That seems to be one of the main objects. Even in this bill there is a provision that hereafter the double mileage cess will be abolished and the option of controlling the traffic on roads running parallel to the railway lines will be left to the railway authorities. That clearly shows that the object of this bill is to enable the railways to earn more money by running their own buses. Let us see whether the taxation now proposed in the bill is higher or lower than the taxation proposed in other provinces, except the Madras Presidency. I have got a statement prepared by the Madras Motor Vehicles and Allied Motorists' Association, giving us an idea of the taxes that each bus is paying in the Madras Presidency. They say the registration fee is Rs. 16, and taking the average life of a bus as three years, it works out at Rs. 5-5-0 a year; Government permit is Rs. 16, brake testing fee Rs. 50; provincial tax Rs. 690 and the District Board license fee Rs. 690. These are the taxes that are levied on buses that ply in the Madras Presidency. Let us now take a similar bus here and see what are the taxes they will be obliged to pay under the provisions of this bill. So far as the provincial tax of Rs. 690 is concerned, here also we have to pay a service tax on the basis of the seating capacity of the bus. If we take a bus of 23 seaters, calculating at the rate of Rs. 30 per seat, it comes to the same Rs. 690. So there is no difference between the Government of Madras and our Government so far as taxation is concerned. Then, the District Board licensing fee there is Rs. 690. Though there is no such fee here, we have got mileage cess calculated at six pies per mile on ordinary permits and nine pies per mile on special permits and it works out to an equal amount. It has been conceded that so far as the taxation of service buses is concerned, the rates in Madras are the highest on record in India. And how are our rates? Even if we say that our rates are a little lower than those in Madras, I think it takes the second place so far as the high rates of motor taxation is concerned. So far as these buses go they are obliged to pay tolls also in case they go beyond the limits where permits are given.

MR. K. MATTHAN.—Buses will not pay any tolls.

MR. P. SUBBARAMA CHETTY.—In the case of bridges and specially constructed roads, they have to pay.

MR. K. MATTHAN.—Yes, only in those special cases.

MR. P. SUBBARAMA CHETTY.—And that is in addition to the usual mileage.

Now let us take the private motor cars. What is the tax that they are now paying? Motor-cars weighing not more than 15 cwts. pay Rs. 18 to the municipalities and in case they are above 15 cwts. they pay Rs. 30. And what is the vehicle tax that is now proposed in this bill? It is Rs. 40 on a motor-car weighing about 15 cwts. In addition, when they leave the municipal limits they will have to pay the toll also. If we want to compound the toll, we will have to pay Rs. 100, *i.e.*, Rs. 140 is to be paid by the owner of a motor car.

Let us take the Madras Presidency. What is the vehicle tax that they collect from motor cars? It is Rs. 25 per quarter and that comes to Rs. 100 per annum. Beyond this amount they need not pay anything. There are no toll-gates at all. So even as regards vehicle taxes here, they are higher than the taxes in the Madras Presidency which, in the opinion of so many motor associations and other bodies, are the highest on record. That goes to prove that our tax so far as private cars are concerned is much heavier than that in Madras.

Regarding taxes on lorries, generally the lorries weigh 2 tons and 2½ tons. These are plying for hire only in *jatras* and some of the factory owners own lorries of the same weight for carrying their own goods. What will the taxation on lories work out to? The road tax is Rs. 450 a year; but for lorries let on hire it is one and half times more. They must pay Rs. 675. This is not a small sum. These lorries have also to pay, if they ply outside the area, a toll in addition. On these grounds, it is very clear that the bus-owners and motor-car owners, who were under the impression that there would be some relief as a result of the recommendations of the Todhunter, Committee, have been bitterly disappointed. No doubt, the committee made some recommendations. Out of those recommendations some were accepted and embodied in the form of this bill. But instead of the expected relief, they have to pay a higher taxation than before.

Still, there are one or two bright features in this bill and I must not fail to mention them. One is the constitution of the Central Traffic Board. Hitherto the licensing power was in the hands of so many officers. Hereafter that power will be vested in this Board. The composition of the Board is also very satisfactory. It has got on it representatives of the motor bus owners' association, of private car owners and other interests and also of trade and commerce. On that ground this is an improvement over the existing state that of affairs existed till now. But as regards tolls, hitherto the maximum was only Rs. 2. Now I find from the schedule that there is provision for levying Rs. 3 and also in the case of those carts laden with timber and stones, Rs. 6. Thus it is clear we will have no relief by way of taxation under the new bill. The

burden is made heavier than in Madras. I, therefore, oppose this bill.

*Mr. K. Chengalaraya Reddy.— Sir, this bill was first included in the agenda placed before the budget session of the Representative Assembly in June 1934. But the very fact that the Government did not proceed with the consideration of the bill then gave us the feeling that the Government themselves were neither over-enthusiastic nor were they convinced about the real necessity for a bill of this kind. But evidently, due to later thoughts and perhaps to some other causes of which we are not aware, this bill was placed before the Representative Assembly in October last. There was a long discussion on it and the bill had the misfortune of being summarily rejected by that House. The bill is having a similar honour of being discussed at length here also but the same misfortune may not fall on it, owing obviously to the fact of the constitution of this House.

Sir, especially in view of your remarks in the Representative Assembly contained in your closing speech, I for one took pains to see whether the serious misgivings that had been given expression to could be dispelled in view of the further facts and explanations. I have listened very carefully to the speech of the hon'ble Member in charge of the bill and I have also had the benefit of hearing my esteemed friend *Khan Bahadur* Mahomed Abbas Khan who spoke in support of the bill. But I must confess that the misgivings that I have had on this bill have not been dispelled, and I am still in the position of having to oppose the bill, especially so far as the scheme of taxation is concerned.

As regards the first part of the bill *re.* the constitution of the Central Board, everybody is agreed that a board of that kind is essential. But, as I said in the Representative Assembly, the local self-governing bodies have not been represented on it. Especially in view of the fact that the financial interests of the local self-governing bodies are involved in this matter, I for one thought that it would be equitable if the local self-governing bodies were given some representation on this important Traffic Board. The local self-governing bodies have now got the power of establishing toll gates and also they have got the power to issue licences in consultation with the Deputy Commissioner. At any rate so far as the District Board roads are concerned, the District Magistrate consults the District Board President as to how many buses can be allowed and so on. But when all that power is to be taken away, though we do not grudge giving them up in view of the fact that the Central Board is eminently essential for controlling traffic, we would wish that some representation is given to local self-governing bodies. It is that defect that I would like to point out prominently so far as the constitution of the Board is concerned.

Coming to the scheme of taxation, I would like to say one or two words on the vehicle tax. It has been stated by the Government that it is not their intention to derive any increased source of revenue by means of this bill. At any rate, so far as the vehicle tax is concerned, it cannot be contended that by adopting the scheme that they have placed before us the income that is going to be derived will not be much higher than what it is now. For example, the major municipalities of Bangalore and Mysore collect Rs. 30 by way of vehicle tax; whereas all other minor municipalities in the State collect only from Rs. 6 to Rs. 10. Now, if you introduce a uniform tax of Rs. 30, it cannot be gainsaid that the Government are going to derive an increased income from this source. My friend *Khan Bahadur* Mahomed Abbas Khan said that whereas in the cities of Mysore and Bangalore people pay Rs. 30, in minor municipalities they pay only Rs. 6 to Rs. 8 and in certain places they pay on tax at all; and he asked dramatically "Is this an equitable basis of taxation?" I would like to ask what is equity? Is uniformity of taxation equity? Is not variety of taxation in certain cases equity? For example, the very fact that you are going to exempt particular vehicles from payment of municipal tax in localities where they pay vehicle tax is a point in instance. If a vehicle tax is paid in Bangalore City, the vehicle is exempt from municipal tolls in that particular area; so also if vehicle tax is paid in Kolar, it is exempt from municipal tax in Kolar. From that it is to be inferred that the vehicle tax is a substitute for the municipal tax that is being paid for the use the vehicle makes of municipal roads in those particular areas. And when it is said that in Bangalore and Mysore the road covered is much larger than in other places, I do not see why there should not be different scales of taxation. I for one would say that that would be more equitable than the uniform tax which is sought to be justified as being equitable.

As regards motor lorries and other vehicles, it has been pointed out how, in a majority of cases, the taxes levied on them are higher than those prevailing at the present moment. I would next consider the tax that is sought to be levied on motor-buses. In the first place, I am opposed to this double basis of taxation, *e.g.*, you levy a tax by way of mileage cess and then you want to levy a tax by way of seating capacity. I suggest that it might be quite possible to adopt only one basis of taxation so far as motor buses are concerned. You may have the mileage cess only and do away with the tax based on seating capacity. Be that as it may, I would like to say, so far as the mileage cess is concerned, that there has been absolutely no relief in the amount of taxation that has been prevailing except on railway competition roads. In the year 1926, the mileage cess was one and half pies per mile; in 1928, it increased to three pies on ordinary roads and to six pies on railway competition roads; in 1932, it increased again to six pies on ordinary roads and

one anna on railway competion roads. It was then that there was an agitation and a strike of bus-owners and in response to that the Todhunter Committee was constituted to go into the question. As a result of that Committee's labours, the taxation has not been lowered so far as non-railway competition roads are concerned. There it stands at the same level as it was in the year 1932. But the most serious point that I would like to urge for your consideration is as regards the service tax.

It has been said in the opening speech of the hon'ble Member that the proposed scheme of taxation will be of immense benefit to such of those buses which are obliged to pay two tolls. I grant it without any hesitation that so far as the services which have to pay tolls at two places go, the proposed scheme is slightly beneficial. But as regards buses which have to pay only one toll, it has been contended by Mr. Abbas Khan that there is a saving of about Rs. 120 on each bus. Now I would like to join issue with him on that point. He said that so far as those buses went, they paid at present Rs. 720 each whereas under the new taxation, they would be obliged to pay only Rs. 600. He evidently forgets that under the existing scheme of taxation every motor-bus has got the option of compounding the toll fees, and in a majority of cases, what they have got to pay is only Rs. 400, *i.e.*, Rs. 200 less than what is sought to be collected from them under the new scheme of taxation. So far as buses which have to pay only one toll are concerned, the scheme of taxation proposed in the bill is going to be definitely higher than what they are paying now. Next, as regards buses which have to pay no toll at all are concerned, those services will be hardest hit by the proposed legislation and they will be turned off the roads if the Bill were to become law. My hon'ble friend Mr. Abbas Khan said that there were practically no buses in the State which were not obliged to pay one toll or the other. Now, Sir, this is a statement of fact that I would like to say that nearly 50 per cent of the buses in the State are not paying any single toll whatsoever and all those buses will be obliged to pay for the first time, if this bill were to become law, Rs. 600 each and only on paying that amount they can run on those roads. I can say from statistics available to me that out of 93 buses

13 were services which paid 2 tolls,

26 were services which paid 1 toll, and

46 (nearly 50 per cent) were buses which paid no tolls whatsoever. It is from these facts that we contend that this bill is going to definitely kill all these short service buses. This one point has to be seriously considered by the Government before proceeding with this bill. For example, the buses that run from Kolar to Mulbagal, Kolar to Masti *via.*, Malur, Chintamani to Bagepalli, etc,, do not pay any toll whatsoever. When this bill becomes law, they will have to pay Rs. 600 each. That means they will have to close down their services. As against this argument, the hon'ble mover might say that there is scope for co-ordination of services. But I would like, with all due deference, to point out that this co-ordination of service is not capable of being given effect to in our State, so far as a major portion of roads are concerned. I think this is one of the most fundamental objections to the bill, apart from other objections which have to be given due weight. This is certainly one objection that the Government have to answer before we could give any support to this bill, because it is going to kill 50 per cent of the bus traffic, all at once. It is said by the Government that their intention is to develop motor traffic to give all possible conveniences to the public. On the uther hand, if you pass this bill, the result will be exactly opposite to what you intend.

We are glad that the Government gave us an assurance in the Representative Assembly that the present exemptions which are operative as regards tolls on bullock carts will be continued. I for one would have thought that if it had been continued, it should have been incorportated in the bill itself without having to depend upon an administrative order. I remember the hon'ble Member of Council saying that it was quite open to the Government to have it done by administrative orders without recourse to a bill of this kind. When all these provisions are embodied, I wish that particular provision also had been embodied without falling back upon the administrative authority for this purpose.

With these observations, I am sorry I cannot give my support to the bill as it is introduced.

THE INSPECTOR-GENERAL OF POLICE (MR. F. A. HAMILTON).—Sir, having been a member of the committee on the result of whose labours this bill has been framed, I was perplexed and even alarmed on hearing the speeches of hon'ble members regarding the provisions of the bill. The apprehensions expressed by hon'ble members made me think that sufficient thought had not been bestowed on the question. Since yesterday, however, I have had time to review the matter and work out some figures and now feel considerably reassured and believe there are no grounds for the misapprehensions entertained by some members of the House.

I think that hon'ble members generally admit that the intention of Government in framing this bill is to level up taxation. I have collected some figures to show that such will be the result of the bill. The Bangalore-Anekal road has been mentioned as one of the roads on which there is no toll-gate and I gather from Mr. Chengalaraya Reddy that there are some 45 other roads in the State similarly situated. I may well ask why the owner of a bus plying on one such route as that from Bangalore to Anekal should be on a different footing from an owner plying over the Bangalore-Magadi route. In the latter case, the owner pays Rs. 360 more by way of taxation than the owner on the Bangalore-Anekal route. If an

owner plying over the former route can afford to pay Rs. 360 extra, does it follow that when the taxes which may be imposed under the provisions of the Bill are levied owners on all other similar routes must fail? While it is true that on routes such as have been mentioned taxation will be increased, it will not, I think, be found excessive. It has to be said that an increase will be involved only if the maximum rates mentioned in the bill are imposed. There are, however, many roads on which the taxarion under the bill will be less than that now levied. I may quote as an instance the service between Mysore and Mandya. The existing taxation amounts to slightly over Rs. 1,800 while under the taxation proposed by the bill it will be reduced to Rs. 1,300. Hon'ble members have generally agreed that services plying on long routes are paying concerns. Having in view the taxes actually paid by such services, it is difficult to understand how they continue in existence and the fact that they do, argues a considerable tax-bearing ability. For instance, take the Bangalore-Mysore Road: the present taxation on a bus plying on this route amounts to Rs. 5,750. Under the provision of the bill the taxation on such a vehicle would be reduced by no less than Rs. 2,400. I may say further that taxation on lorries will also be reduced. I have not got detailed figures for lorries but the rough figures I have got show that such will be the case. I may add that in calculating these figures the maxima admissible under the bill have been taken as the basis; If, of course, these maxima are not enforced, the increases I have mentioned will be decreased and the decreases will be enhanced, so that on the average the taxes which may be levied under the Bill will in no case be greatly raised and in many cases will be vastly diminished as compared with the present taxation.

Reference has been made to Madras. There are, I think, two points to be considered with regard to the Motor Vehicle Taxation Act in force in that Presidency. In the first place, I think I am right in saying that when the figures for taxation were calculated the total number of vehicles which had been registered was taken as the basis of calculation. When, however, the taxation came to be imposed, it was found that only about half that number of vehicles were actually in existence. The consequence was that the maximum rate of taxation had to be enforced. In the case of Mysore, the Committee took the precuation of guarding itself against a like error by taking a census of all the motor vehicles in use in the State. By this means it has been possible to place the figures for taxation on a sound basis. It has to be remembered that in framing the schedule of taxation, the claims of various bodies such as Municipal Councils, District Boards, etc., had to be considered so that each might be able to extract from the funds accruing its fair quota.

Reference was also made to Madras in another connection, namely, in respect of many motor buses having gone out of use after the new Act was introduced. From my knowledge of the services in Madras prior to the introduction of that Act the event was not altogether undesirable. Previously, anybody, whatever his status, could run a service. Consequently, when the Regulation was introduced, services which had no financial backing naturally went out of the field and only substantial concerns remained. It is quite possible that the same result will occur in Mysore but that will probably be a consummation not entirely undesirable.

A matter to which some hon'ble members referred was the question of reciprocity of taxation with Madras. I think I may say, with your permission, Sir, that I made an unofficial reference to Madras with that object in view. The terms offered, however, seemed so unacceptable that it was thought best to let the matter drop and to reopen it later. The matter is one in which hon'ble members have my entire sympathy and one in which I have had my own experience. One fine morning when I went to my office table at 7 A.M. the first paper I perused was a demand for the payment of tax on account of my having visited a place across the border. That place was specified as well as the number of the car presumed to be mine. It was some what upsetting to receive such a demand at so early an hour in the day but I at least had the satisfaction of replying that I did not own the car in question and had never been at the place mentioned in my life. That sort of thing will doubtless arise in the absence of satisfactory arrangements and it is to be hoped that such arrangements will eventually be reached. The Committee did consider what sort of agreement should be arrived at; retaliatory measures were suggested but were not considered wise. Government in proposing the imposition of tax by means of tolls have probably adopted the best course that can be pursued.

One hon'ble member tilted vigorously against Municipal toll-gates. I may point out to him that should the legislation contemplated by the bill become law, provided he pays the taxes imposed, he need not in future couch his lance in rest on approaching a tool-gate: should he bear upon his shield the proper insignia, the toll-bar will rise automatically ar his advance and he may pass upon his way unhindered and unplundered.

So, sir, I have examined this legislative brattling who got so builled and worried yesterday and find that while its outer raiment was somewhat dishevelled, its body is still hale and hearty and in that state I restore it to the House trusting the hon'ble members will find that not only is its body sound but has at least some points worthy of their admiration.

MR. B. S. PUTTASWAMY.—Sir, I beg to support this bill in general. After the long and convincing speech of the

hon'ble mover, I also did not think that this bill would meet with such serious opposition as it did meet yesterday and to-day. My hon'ble friend Mr. Dasappa traced the genesis of this bill from stage to stage up to the point of the Todhunter Committee on whose report this bill has been drafted. I think he characterised this bill as having a tendency to kill the bus traffic altogether. Other members also were of the opinion that this bill would frustrate the very object with which it has been framed. I should like to examine this question. I realize equally with Mr. Dasappa the importance of bus traffic to our country. I recognise the educational, commercial and, shall I add, the cultural values of the bus traffic. I fully agree with him that it has conferred a boon on our country inasmuch as it has opened up our rural parts. But may I be permitted to point out that no boon on the face of the earth is an unalloyed and an unadulterated boon? I think even the boon that has been conferred upon us by the bus traffic carries along with it an element of concomitant evil. I do not like to enter into a detailed discussion how far the bus traffic has been a drain on the slender resources of the raiyats, how far it has been a drain on the national wealth of our country or what amount of national waste it consists in. But whether we will or no, buses have come to stay with us and I accept that position and proceed on that basis. My friend Mr. Dasappa referred yesterday to the bus strike prior to the appointment of the Todhunter Committee. But I beg to submit that this strike was not entirely due to the imposition of the double cess as he seems to have thought. I think, sir, there were a number of circumstances and deplorable conditions which were heading towards that kind of crisis in the bus traffic. Probably, the imposition of that double levy was the last straw on the camel's back.

There has been an undesirable tendency among our people that whenever a person enters upon an enterprise and makes some profits, a number of people would rush in with a similar enterprise, with the inevitable result that there would be an unhealthy competition and utter ruin to everybody. I think the history of our rice mills, flour mills and the bus traffic in our State are very good examples of this phenomenon. Prior to the appointment of this committee, what had happened was there were a greater number of bus services than the traffic actualy demanded. Secondly, the bus proprietors were out to indulge themselves in cut-throat competition and ruin themselves. About 20 per cent of these bus proprietors happened to be the driver proprietors, not having even sufficient money as working capital. About 80 per cent of the people were carrying on this business with borrowed capital taken at a very high rate of interest and some of the companies used to advance to these bus proprietors the registration fees and even the first instalment of road cess. Under these circumstances, I should not think it would be a wonder if no body got any profit, and it should not be a surprise to my hon'ble friend Mr. Imam that these people did not realise any profits at all. With no working capital, with borrowed capital at high rates of interest and with cut-throat competition, it is inevitable that they should lose. I think it is this kind of loss that I characterise as a national loss. It is most desirable that this loss should be check-mated and kept to a minimum. I think the Todhunter Committee considered the whole problem in all its aspects and tried to give so far as the passengers were concerned an efficient and reliable service, and at the same time to check the unhealthy competition that was prevailing. As a matter of fact, even now, there is not a central co-ordinating authority in the matter of issuing licenses. In the early days of the bus traffic, there seems to have been a *laissez—faire* policy in the matter of granting licenses. Anybody and everybody could get a license for service for the mere asking of it. So much so there were very many services and their condition was very unsatisfactory. And the Committee has suggested measures to avoid all the existing flaws. I think this bill has been aiming at giving a very effective and good service to the people.

I am glad to note that there is not a single person, so far, who has spoken against the bill who has opposed the establishment of a central co-ordinating authority for issuing licenses. There were some suggestions as to the composition of the personnel of the Board. So far as Mr. Imam's suggestions are concerned, I do not think they would, in any way, improve the provisions of this bill. So far as Mr. Chengalaraya Reddy's contention is concerned, I fully agree with him that some representatives of local bodies have to be included in the personnel of this Board.

So far as the taxation portion is concerned, my hon'ble friends Mr. Hamilton and *Khan Bahadur* Mahomed Abbas Khan have dealt with the whole question thoroughly and I need not say very much. But suffice it to add, that the rates that are provided in this bill compare very favouarbly with those that are obtaining elsewhere. I agree with some of the speakers that short distance buses are those which will be hit hardest. So I should like to suggest that these short distance services might be exempted from the service tax. (Hear, hear). So far as the rates on the lorries are concerned they are very very low and I think to a certain extent they even deserve to be enhanced.

Mr. H. C. Dasappa.—I think my friend has forgotten that what is given in the schedule is quarterly tax.

Mr. B. S. Puttaswamy.—Even then, I think it compares very favourably with the existing rates elsewhere.

Mr. K. Chengalaraya Reddy.—There is absolutely no difference between Mr. Puttaswamy and ourselves.

MR. B. S. PUTTASWAMY.—With regard to the allocation of income between the Central Government and the local bodies, I should like to say only a few words. I agree with Mr. Hill in his opinion that municipal tolls are most indefensible. What had happened was that the income from these municipal tolls never went towards maintenance of roads. A portion of it probably went either to maintain municipal high school or a maternity hospital or probably for satisfying the guarantee for electric charges. I do not see any justification for the contribution from outsiders to maintain electric lights in Seringapatam or to maintain the high school at Malavalli or Dodballapur or probably a maternity hospital at Yedatore or somewhere. My friend was suggesting to me that the duty octroi on petrol that is levied by the municipality had no justification at all. I could understand the establishing of a municipal toll the whole income derived thereby is earmarked for maintaining the roads within the municipality. If we take the history of the institution of municipal tolls, I think the recommendations generally came from the Deputy Commissioners for such institutions not on any justifiable principle but on account of a desperate attempt to maintain those municipalities and their finances. So far as the District Boards' existing revenues are concerned, under section 24 (1) the District Boards are going to be deprived of the power of establishing new tolls within their jurisdiction. The District Boards have been already suffering from slender resources and the possibility of augmenting their income by fresh taxation is completely avoided altogether in the future. So I should like to suggest in this connection that whenever a fresh toll is to be established in the District Board road, an amount equal to the income derived from that fresh toll is to be added on to the allocated amount that is agreed to be given to the District Board. I think it is a legitimate claim.

Some members were under the impression that the small capitalists who maintain the single bus service will disappear I, for one, think that it is better that large capitalists come forward and maintain efficient and reliable services rather than our trusting ourselves to ill-equipped and precarious services undertaken by small capitalists.

On account of these reasons, I give my support to the bill.

MR. F. L. SILVA.—The House will have noticed that though the bill has been strongly criticised, much of the criticism has been directed only to one detail, *viz.*, the schedule of taxation particularly with regard to motor buses. The main principles of the bill do not seem to have been seriously questioned. Thus, it has not been suggested that the bill is either uncalled for or premature; the creation of a Traffic Board seems to have met with general favour; the continuance of the existing system of toll-gates has not been objected to. The principle of a provincial tax in substitution of tolls, applicable to the whole State, has not been called into question. It seems to me, therefore,—I am speaking as a member with very little experience of this House—that if that is so, the bill itself should not be regarded as unacceptable because, the details relating to taxation can be modified by the Select Committee.

Coming to the details of the bill, under Section 5 defining the duties and powers of the Board, I find there is no provision enabling the Board to regulate the fares for the different routes of buses. It was one of the suggestions made by the Todhunter Committee, and that suggestion was accepted by the Government, that the proposed Board should have the power to regulate the fares along the different routes. If one of the objects of the bill is to prevent wasteful competition, it seems to me that an effective measure to bring that about is to entrust the Board with the power to regulate the fares where necessary. If competition is to be avoided, it cannot be done merely by limiting the number of services; what happens in such a case is that those who are left in the field agree to pool the takings, charge their own fares and divide the proceeds according to some method arrived at among themselves, while giving the public as bad a service as before.

In sub-clause 5, I find an expression which is rather intriguing. It is said that the Board has something to do with unremunerative services, but it is not clear what is intended. I think the House would welcome some information with regard to this point.

MR. K. MATTHAN.—To make provision for them if necessary by subsidies or by special concessions, and that is for developing motor traffic in backward areas.

MR. F. L. SILVA.—Thank you, Sir.

One of the functions of the Board is stated to be the co-ordination of all forms of transport including transport by rail. But there is no indication either in the statement of objects and reasons or in the bill as to how that is to be achieved.

Nevertheless, we are all agreed that the introduction of this novel feature, *viz.*, the creation of a Board with adequate representation to the various interests concerned, will be for the public benefit and will lead to the development of motor traffic along the right lines.

My hon'ble friend Mr. Dasappa had something to say with regard to the Board, which was not very complimentary. I think he complained that powers of taxation had not been given to the Board. Sir, I am afraid if that power had been given to the Board we should have heard something similar to what is being said elsewhere with regard to Statutory Boards. He also suggested that the Board as constituted would not be sufficiently representative to judge of the needs of outlying districts. If that is so, it seems to me that he might be able to suggest to the select committee some method by means of which members from outlying districts might be co-opted for this purpose.

Coming to the question of tolls, (Sec. 13), tolls of course are always unwelcome but we have to be reconciled to them. It seems to me, however, that the objection to tolls is not so much to the levy itself as to the fact that toll-gates are not distributed properly. They are situated much closer in many cases than they need be. I venture to suggest that it might be possible to adopt a sort of zoning system, under which if a car pays a tax at one gate, it should be exempt from paying a second toll over a distance of say 40 to 50 miles, irrespective of whether it crosses from the territory of one local authority into another. That is a suggestion which I submit for consideration and now that the system of tolls is to be unified and placed in the hands of the Government, that might be easily possible.

I am glad that the bill does not repeat the mistake made in Madras where every car has to pay a provincial tax whether it wants exemption from tolls or not. Here, in this bill, option has been given to a car-owner either to pay the local tax plus tolls or pay a provincial or compounded tax. Mr. Subbarama Chetty just mentioned that this resulted in a taxation which was heavier than in Madras. But I beg to point out that in Madras every single car has to pay Rs. 100 a year whether it requires exemption from tolls or not. Here under this bill, we have the liberty of paying either Rs. 40 plus tolls or the provincial tax. So there is no comparison in that regard between Mysore and Madras.

I now come to the schedule of taxation itself. I shall take Schedule III first, which deals with the rate of fee for composition of tolls on motor vehicles. The ordinary toll on a car is one rupee and the composition fee laid down here must necessarily be the capitalised value of that toll of one rupee for a period of one year. I find, however, that motor cars and motor-taxis weighing not more than 15 cwt. are called upon to pay a compounded fee of Rs. 70 per year, while vehicles weighing more than 15 cwts. may pay Rs. 100 in lieu of the same toll. The compounded tax in one case is only Rs. 70 while in the next case it is Rs. 100; in the third case it is Rs. 130; in the fourth case Rs. 160 and in the fifth case Rs. 200. There does not seem to be sufficient reason for any variation in this respect since the ordinary toll is one rupee in all cases. That is a matter which requires attention. The capitalised value cannot be more in one case and less in another case.

According to schedule IV A, a motor-car weighing more than 14 cwts. has to pay an annual tax of Rs. 40. My friend Mr. Siddaiya complained that whereas at present he is paying only Rs. 5 to Rs. 8, it would be hard on him to pay Rs. 40 in future. I think the House will sympathise with him and it seems to me that it is really not fair to the residents of outlying towns to charge them the same scale as those in Bangalore or Mysore where the amenities are greater. I do not suggest that they should be let off with the existing tax of Rs. 5 or so; but it seems to me that the new scale ought to bear a fair proportion to the existing rate.

Under Service taxis, my friend Mr. Dasappa urged that the new tax which a taxi will have to pay under the bill would amount to Rs. 220. It seems to me however that if a private car has to pay Rs. 140, the total of Rs. 220 for a taxi cannot be considered to be excessive.

With regard to taxation on motor buses, I am afraid I have to agree that the maximum fee that has been laid down in the bill is really excessive. Except in the case of a few services running along main roads and enjoying a long lead, I think the charge is excessive. It should be possible to charge services in outlying and inland parts a lower scale of fees than in the case of those on the main roads. If, as I suggested at the outset, one of the fundamental duties of the Central Traffic Board is to regulate the fares along the different routes, I think that the Board should also be given the privilege of suggesting a minimum and maximum scales and of varying the scales according to the volume of the traffic and the paying capacity of each separate route. I trust hon'ble members will agree that the schedule is capable of being modified in the Select Committee and will withdraw their opposition to the bill.

*Mr. B. K. Garudachar.—I am also responsible in a way for the Todhunter Committee report. As the House knows, that committee was formed on the agitation of some of the bus-owners on account of the doubling of the mileage cess. The committee examined the details and found that that double rate was unjust. But the railway representative who was on the committee stressed the point that unless those rates were kept on, the railways would suffer. The committee suggested that in that case the railways themselves might run buses on routes parallel to the railway, giving proper comforts to the people. But the railway representative said that it was rather impossible to do it. I may also say that the tax which is proposed just now is less than the double mileage cess the buses are already paying.

A complaint was made that many bus-owners were suffering losses. The committee examined that point and found that old buses of the capitalists were being sold to drivers and also that some of the companies in their anxiety to sell their buses gave them to drivers on hire-purchase system without taking into consideration the financial position of the purchasers. These driver-owners, in order to meet their obligations, had to run the buses at reduced rates, earn the money and pay the company. Thus they caused loss even to *bona fide* owners by creating unhealthy competitions.

Mr. D. S. Mallappa.—Will not the public benefit by it?

Mr. B. K. Garudachar.—I should say that the public should not take advantage of such a thing. It is some-

thing like distributing stolen money to some others.

Then the committee considered about fixing the number of buses for different routes and giving the contract to some capitalists and thus stabilising the bus service in the country. In the interests of the people they were of opinion that the lessening of the number of buses would be reasonable because they found that in some of the cases licenses had been taken, but those buses were not being run by the same parties but were being sold to others for profit. Our friend referred to losses incurred by bus-owners. The committee examined some bus-owners who run their services on very good lines and maintain their buses in a satisfactory condition. They have given figures to the committee who have calculated the profits made by the bus-owners on the basis of the expenses given by them and have pitched upon the rates given in the schedule as quite reasonable. It can be shown to any one that the bus-owner will have a decent profit as the whole thing has been discussed threadbare in the committee.

Mr. Siddaiya referred to the motor car tax of Rs. 5 to Rs. 8 prevailing in minor municipalities. That question also had come up before the committee. They found that 90 per cent of the cars owned by private men were in Bangalore and Mysore Cities. Outside these two cities, the number was very insignificant. So, I think a uniform tax will not be objectionable, as it will affect only a very small percentage of people. As regards short distance traffic where tolls are not paid as in Channapatna and other places, I fully agree that some relief ought to be given till they co-ordinate with other buses which run on longer routes. How to give relief in such cases can be considered in the Select Committee.

Most members were in favour of the Central Traffic Board. The committee learnt that there was no uniform principle adopted by District Magistrates in issuing licenses. They were being issued to anybody and everybody without caring for status and other things. So it was thought that to have control over licensing would be very necessary, and that there would not be so much of abuse of powers if it was entrusted to the Central Board. The committee also thought details like through-services, time table and other things could more properly be arranged by the Central Board. Now short service buses take passengers and leave them waiting for hours together in sun and rain for the further transport. The Central Board could prevent such things. Timings may be given and passengers will not suffer all these inconveniences. That was one reason why a Central Traffic Board was recommended.

About lorries, it was said by some members that the radius ought not to be defined. Now anyone may see on the Hossur road lorries carrying also passengers from beyond the Ookad and so on, thus competing with the buses. To stop such things the Committee had to defined the radius, as also limit the persons that could be carried. But it is a question which ought to be considered and the limit ought to be taken away. How it can be done shouldbe discussed in the Select Committee. About reducing the tax on private lorries not run for anybody else but for the use of the owners themselves, I thing is a point which must be considered in the committee stage.

In the case of compact bodies like the Bangalore and Mysore municipalities, some control over vehicles running within the small areas must be given to local bodies. They are small areas where the entire civic administration vests in the municipalities. So also the responsibility of District Boards as regards their roads must be similarly examined.

Some of the members raised the question of old buses. On this point the Committee's suggestion was to renew the licenses for two years only and then stop them.

I think on the whole, the bill is beneficial to the general public. If there be shortcomings they can be set right in the Select Committee to the best advantage. This bill is intended more for the safety of the public than anything else. Old buses endanger the lives of people. This will prevent that very much. Even if the people have to pay a few rupees more, they need not be anxious about the lives of the passengers.

For these reasons, I support the Bill.

Rajasabhabhushana K. R. SRINIVASA IYENGAR.—I have listened with very close attention to the speeches made so far on this question and I have only very few observations to make as a result of what I have been able to gather from the speeches.

I take it that it is generally recognised that there is need for legislative action being taken in order to regulate and control motor traffic in the State as well as taxation thereof.

This bill is divided into four parts. With regard to Part II which provides for the formation of a Traffic Board, I believe there is very little difference of opinion on the general principle itself, though, perhaps, there may be slight differences in matters of detail. The criticisms are chiefly directed in respect of the scheme of taxation as well as the amount of taxation. At this stage of the Bill we are mainly concerned with the general principles. So long as general principles are accepted, matters of detail are meant to be worked out in the Select Committee, where all differences of opinion will be fully gone into and attempts made to arrive at general findings.

The bill provides for certain rates of taxation for the different kinds of vehicles, and the strongest criticism has been made against those rates. I do not think that these rates are meant by the Government to be unalterable subject and not to any variation or alteration at the Select Committee stage. If it is not so and if the Select Committee is free to investigate this question and to alter the rates in such manner as they may consider suitable and reasonable,

taking into consideration all the circumstances, I do not think it will be necessary to go into that question at all here. If that is clearly understood, a good deal of the opposition to the bill as also the grounds on which the bill has been opposed, will, to a great extent, be removed.

With regard to the general scheme of taxation itself, I believe there is scope for some difference of opinion. I find provision is made for a vehicle tax, a road tax on motor lorries, a service tax on public service motor vehicles and a mileage cess on motor buses. I take it that the service tax is meant to be a sort of a license fee for public motor vehicles, so that it is only a sort of a license fee not intended to take the place of a toll.

MR. MATTHAN.—It takes the place of all tolls.

MR. K. R. SRINIVASA IYENGAR.—I cannot quite understand the necessity for both a service tax and a mileage cess in respect of the same kind of conveyance. Tolls are established with a view to enable some money being obtained therefrom for meeting, at least to some extent, the cost of maintenance of the roads. The principle of the mileage cess is almost the same. When a person pays mileage cess, which is intended to cover the cost of the maintenance of the road to some extent, the levy of another fee with more or less the same object is a matter about which I cannot see eye to eye with the Government. If it is in the nature of a licensing fee for allowing public service motor cars to run about, I can understand it. Otherwise it practically amounts to recovering the road cess in two different forms.

Another thing which I want to urge here is that there is no provision made here at all for service tax in respect of private cars. I do not know if there is any insuperable difficulty in the way of recovering service tax or license fee or vehicle tax, so that the private motor cars and cycles may be exempted from tolls throughout the State as in Madras. You do not find a composition tax in Madras.

MR. K. MATTHAN.—I thought Mr. Silva gave some reasons in favour of our proposal.

MR. K. R. SRINIVASA IYENGAR.—If we have any such rule it will enable us to come to reciprocal arrangements with the Madras Presidency in course of time even if there be any obstacles to our doing so at present. I do not know whether the bill cannot be so amended as to bring it into conformity with the law elsewhere so that later on, if conditions permit, we might be able to recover a tax, just as is being done in Madras, so as to exempt all cars and private motor cars from payment of tolls. In my opinion many owners of motor cars would not mind paying some additional tax to save themselves from all the worry, the nuisance and trouble to which they are subjected when they have to travel a long distance and stop every few miles for paying tolls.

I want to urge another point. Though the bill relates to the district fund and Government tolls, so far as municipal tolls are concerned, I believe payment of the service tax or mileage cess does not secure exemption from the vehicle tax. I should like to ask, especially now that every municipality is given power to levy toll fees and that there is such a large number of them at short distances, whether it is not desirable to exempt motor cars from payment of tolls at every municipal toll-gate on payment of additional tax if necessary. These are the suggestions that I would make for your consideration.

As already stated, the chief criticism being levelled more against the amount of taxation, if the Government consider that the Select Committee may be free to vary the maximum rates, I believe most of the objection will probably lose its ground. At this stage we need not go into those details here and we need not object to the ill bitself.

*MR. D. H. CHANDRASEKHARAIYA.—Sir, it is being urged from a long time that the toll-gates in our State should be abolished and the loss of revenue accruing thereby should be made up by the imposition of a suitable tax on motor vehicles. In fact, this subject was dealt with by a committee over which the Second Member of Council presided and the report was also published and sent to the District Boards for their information. When the report was sent I was on the District Board of Chitaldrug and I was one of the members who enthusiastically supported the recommendations of the committee. I was long under the impression that the present bill was based on the recommendations of the committee. But on going through the several provisions of the report and also on hearing the speeches made on the floor of this House, I am rather inclined to think that this is a measure which has been before us too soon. Theoretically speaking, the provisions are all right and they have been very carefully drafted. But what are its effects? It has already been stated that if this measure is adopted, it will surely affect the motor transport industry to a very great extent and inconvenience the public, especially people of rural parts. We have had the experience of the neighbouring Presidency of Madras. Government will not derive any corresponding benefit as a result of this measure.

In the first place, I would refer to the constitution of a Central Board in order to carry on the services and also issue licenses. This point has been referred to by the Government in passing orders on the Todhunter Committee Report. It has been admitted by them that such a Board would be incapable of dealing with questions relating to particular localities. There is nothing in the bill to overcome that difficulty. In fact the view of the Government is stated in these words:—

"Several of the Deputy Commissioners who were consulted in the matter are not in favour of this proposal. They consider that problems of motor traffic should be decided by

officers having local knowledge and that the existing system is sufficient. There is no doubt that no central authority can function effectively without the local knowledge and advice of the District Officers and that under any system, a great deal of power and responsibility will have to remain with the District Officers."

If power and responsibility should remain with District Officers, I want to ask whether any provision is made in the existing bill for that purpose; and if a great deal of power and responsibility are to be left with the District Officers, I ask whether there is any need for the constitution of a Central Board. The Todhunter Committee themselves say, in one of their propositions, that the existing difficulties have arisen not so much on account of the rules framed now but an account of the non-observance of the rules themselves. Would it not therefore be more advisable to see that the rules are observed more strictly? Have they suggested any method by which this could be done? In fact, what I think is that the remedy suggested, *viz.*, constitution of a Central Board, seems to be worse than the disease itself.

MR. K. MATTHAN.—Does the Todhunter Committee say that the rules have not been observed? They say that the defects noticed are not so much of the rules themselves as of the way in which they have been observed. That is different from what you are saying. The rules are differently administered in different areas. I am merely correcting a wrong impression. It is not that the rules were disobeyed. Different interpretations are made in different localities. That is what is stated there.

MR. D. H. CHANDRASEKHARAIYA.—That means to say that rules have not been properly observed in practice.

MR. K. MATTHAN.—No; that is not the meaning. The meaning is that each authority interprets it in its own way.

MR. D. H. CHANDRASEKHARAIYA.—The Todhunter Committee could have suggested a way in which these rules could have been properly administered.

MR. K. MATTHAN.—Yes, and that is the way they have suggested.

MR. D. H. CHANDRASEKHARAIYA.—And that way is worse than the disease itself. Even the constitution of the Board itself will not serve the purpose for which it is intended. It is stated in clause 4 (2) that it will contain representatives of private motor vehicles, the users and proprietors of public service motor vehicles, and persons having interests in agriculture, trade and commerce, and so on. I beg to ask whether these different interests have been properly organised in the State so as to send up their representatives who will authoritatively speak on their behalf? In fact I myself do not find any organisation representing the agricultural interests of the whole State. How are Government going to pitch upon particular representatives who will speak with authority on behalf of the entire agriculturists in the State? So, my difficulty is that even what is provided in the bill as regards the constitution of the Board will not be of great benefit in view of the fact that the particular interests which are to be provided with representation on the Board have not been properly organised in the State so as to send up their representatives.

Then, it was suggested that only maximum rates had been provided in the bill and of course there was no suggestion made that those rates would vary from place to place. My impression is that if the rates are once fixed by the Central Board or Government, they will have to be adopted automatically in all parts of the State. But can the rates of Bangalore or Mysore apply to the Chikmagalur or the Chitaldrug Municipalities for example? You must seriously consider this in connection with the schedules you have provided in the bill. And further, where is the guarantee that the maximum rates themselves will not be adopted? I know several instances in which the Government, having taken power to fix maximum rates, tried to exercise that power to the utmost extent. In the case of the Municipal Regulations there have been schedules prescribing the maximum rates, but the municipalities concerned fix their own limit below that maximum. But here it is not so. The Central authority or Government will have to do it. They may not fix the rates below the maximum with reference to the conditions of each place. Besides, there is a provision made in clause 27 about the adding to or cancelling of these schedules. This is a peculiar method of changing the schedules. It is stated here that:—

"The Government may, subject to the approval of the Legislative Council, by a resolution recorded in this behalf, alter, add to or cancel any or all of the schedules II to IV of this Regulation and such alteration, addition or cancellation when published in the Official Gazette, shall have the force of law and all references in this Regulation to any of the aforesaid Schedules shall be construed as referring to such Schedules as for the time being amended in exercise of the power conferred by this Section.

But so far as I have been able to see, I have not come across a similar provision made anywhere else. If the Government want to change any schedule, the proper way would be to introduce an amending bill first in the Representative Assembly and then in the Legislative Council. The method which is now proposed seems to be something like a short cut and should not be adopted.

Coming to the Chapter on tolls, there is no proposal to abolish tolls as once intended. The proposal now is to continue them and also take power to open new tolls as occasions need. In exercising this power, Government will not even consult local authorities which will have constructed the roads and spent money upon their maintenance. In all such cases, the Government should consult the particular local authority concerned.

As regards the sharing of revenue, it has been provided that three years' average will be found out and every Municipality or District Board will be given a share on that basis. This will be all right so far as the existing District

Board or Municipal toll-gates are concerned. What about the municipalities which have established toll-gates only recently and municipalities which will establish them in future ? How are you going to compensate the Municipalities or District Boards ? They also want some sources of revenue.

MR. K. MATTHAN.—Just as they tax others they must tax themselves. In taxing others they will have to do it under the Municipal Regulations.

MR. D. H. CHANDRASEKHARAIYA.—How are you going to adjust the claims of such places ? Is there any provision for it ? It will be quite inequitable not to permit such municipalities to come into this arrangement when necessity arises.

About agricultural carts, provision has not been made to exempt them from tolls. I beg to submit that in view of the assurance given by the Dewan, specific provision ought to be made in the Regulation to exempt all country carts from payment of tolls. Section 21 read with the explanation under it seems to me to be rather funny. In the first part of the Section, a motor vehicle used solely for the purposes of agriculture is exempted from payment of tolls. The explanation says that a motor vehicle used for transporting such produce is not exempted. I would think that one purpose of agriculture would be the transport of produce to places of trade and commerce. If agriculturists are prevented from transporting produce by having to pay extra tolls, the exemption given would not be available to them. In my opinion, the bill is beset with a lot of defects, as it is based on the Madras Law which itself is still in the experimental stage. I beg to submit that under the present circumstances, it seems to me best to let things alone and take such measures as are necessary to control the bus traffic and regulate it by means of notifications and rules to be issued under the Motor Vehicles Regulation.

At this stage the Council adjourned for lunch and reassembled at 3-30 *p.m.*

Rajacharitavisarada Rao Sahib C. HAYAVADANA RAO.—Sir, I approach this bill from a point of view somewhat different from that of the hon'ble members who have opposed it so strongly and so strenuously both yesterday and to-day. I should say that this question of transport of traffic is a somewhat technical subject. I could well understand persons not being able to grasp the fundamentals of a measure of this kind. It is also possible that what may be called the economic background of a proposition like this may not be easily comprehended. In fact the subject of transport of traffic is a branch of study in modern University education, especially in Western countries. It is a very specialised one and there is an enormous amount of research.....

MR. K. T. BHASHYAM AIYANGAR.—Hear, hear!

MR. C. HAYAVADANA RAO.—My friend says: "Hear, hear". Let my friend hear me— I will be most glad. I was saying that an enourmous amount of research work is being carried on both by universities and by specialised workers in regard to it (transport of traffic). There are a large number of journals dedicated to it and to the exposition of views relating to street traffic or road traffic especially, and to what may be called the development of road and rail traffic in a manner which might be susceptible of public utility.

MR. K. T. BHASHYAM AIYANGAR.—Hear, hear!

MR. C. HAYAVADANA RAO.—My friend again shouts 'hear, hear'! As I said already let him hear. I can send over to his house a couple of books dealing with this question. If my friend will sit down and read them for a couple of months he will understand.....

MR. K. T. BHASHYAM AIYANGAR.—I will return them unread.

MR. C. HAYAVADANA RAO.—That shows the amount of importance my friend is attaching to the subject.

MR. K. T. BHASHYAM AIYANGAR.—Not the importance I attach, but the value of the books you send.

MR. C. HAYAVADANA RAO.—Not at all. Let my hon'ble friend hear me through and then he will know. Sir, this bill I feel, meets a situation which has well nigh become in one sense intolerable. It is in my opinion, what may be called a regulating measure. This measure aims at a closer control by the State over transport, provides for a better co-ordinated policy on the part of the State, helped by those who may be interested in transport questions, recommends a central authority of control and abolishes farming of toll-gates—a relic of barbaric days which deserved to go long back, and fixes at times a reasonable scale of taxation for the vehicles used. It is a measure which affects the whole country and its larger interests—the development of agriculture, the development of trade and commerce and the development of the manufacturing industries particularly of the country. It is, I should say, a perfectly good regulating measure. It seeks also, incidentally, to regulate rates and uses to which the different types of vehicles can be put. The report on which it is based, and to which frequent references have been made, analyses in a series of propositions, the behaviour of road traffic, the extent to which various sorts of vehicles and road conditions affecting movement and speed of traffic and the means whereby road traffic may be expedited to the benefit of all parties concerned—the Government, the local bodies concerned, the owners of vehicles and the people. The prosperity of bus-owners is not the only thing meriting consideration, though it is an important factor in the determination of certain incidental questions. There is evidence enough in the remarks offered by hon'ble members of this House so far to show that the objectives aimed at in the bill are not clearly understood. There was a suggestion that the bus industry would be killed by this measure. Can it be ? If fierce compe-

tition could not kill it, can a Regulation in the interests of the very owners themselves destroy it? Every new measure is in a sense not welcome to some. But a little reflection will show that the conditions present to-day are such that it would be no exaggeration to say that if they were further countenanced they would ruin many more bus-owners throughout the country and not raise them to prosperity to any extent. Some methods of calculating the effects of different vehicles, conditions and policies have been for some time now a great desideratum and any scientific form of treatment of the whole problem must certainly prove of increasing value with the growth of pressure upon the traffic arteries of the whole country. Rail-road competition has raised a problem by itself. It cannot be denied that railways take a long time to build up traffic routes and the capital invested on them takes a considerable time to fetch adequate returns. In fact, some lines have not paid for 40 or 50 years and the return is always imperceptibly small. Money has been spent upon the railways; capital has been invested for long; but developments have taken place and the traffic diverted. Is not the general tax-payer affected by it? Surely in the interest of the general tax-payer, from whose pockets this capital invested has come, we should see that it yields a reasonable return. If competition diverts the traffic that should flow into the railway system of the land, is not some regulation necessary? Apart from that, do not bus-owners themselves require some guidance by which they can steadily build up their prosperity? More than all, are the country's needs in the matter of development to be sacrificed for the sake of individuals? These are some of the points which are attacked from a helpful point of view by this bill. I for one cannot deny that if our roads are to be utilised to the maximum public advantage, considerations of free movement of vehicles must frequently be subordinated to those concerned with ensuring the prosperity of the country as a whole; the safety of all users of the roads; the provision of adequate, economical and speedy passenger transport; and economical goods distribution. The conflicting requirements of different interests make compromise frequently necessary. It is therefore necessary that the whole problem of road traffic of the country should be approached from the widest angle possible and with a proper appreciation of the economic aspects involved. That is what this bill has done. If hon'ble members looked into the history of this measure as set out in the Todhunter Committee Report, they would see how broad based the committee's views are. The committee display, in my opinion, a thorough grasp of the whole traffic problem of the country. A bill based on such a comprehensive study of the position as it obtains to-day cannot and ought not to be discarded. The bill in its proposals and suggestions, follows a definite, practical and constructive method and it envisages many useful expedients for improving traffic flow in a manner that is bound to advance the true interests of the public in the general use of the roads. Of course it is needless to say that they do not represent what are called "popular opinions" on the subject.

I should say that the chief merit of this bill is that it attacks what may be called the transport problem of the State in a bold and comprehensive manner. It seeks *inter alia* to deal in a fair spirit of compromise with three inter-related problems: *viz.*, facilitating the movement of public and private vehicles on roads; reducing the loss of life and limb through accidents caused by the fierce competition now raging, which induces uncontrolled speed; and providing efficient public passenger transport by road and rail.

From one point of view, the public will welcome Clause 5 particluarly, which, in prescribing the duties of the Board of Control that this bill seeks to set up, empowers it to hold enquiries in the case of accidents in addition to those instituted by the police or other statutory bodies as the case may be.

The growth of traffic is undoubted. I do not think that any hon'ble member has ever expressed dissent from that point of view and he would be a bold man, consequently, who would say that it does not require regulation. The number of vehicles registered in the State in the year 1932-33 was 4,989 as against 4,322 in 1931-32, the number of vehicles newly registered rising from 260 to 667. That is a short summary of the report of the Inspector-General of Police in this matter. But what follows is more interesting and it is a summary given in the review of the Government on that report. The number of accidents to cars also increased to 99 as against 69 in 1931-32. The number of accidents attended with loss of life was large during the year 1932-33, being 30 as against 16, in the previous year. The number of convictions for rash and negligent driving rose from 13 in the previous year to 29, for driving without licenses from 51 to 57, for high speed from 13 to 30, for infringement of conditions of permits from 92 to 236, and for miscellaneous violations of rules from 345 to 468. The increases referred to in connection with offences of the description mentioned were due to want of greater care and vigilance. This shows how badly the proposed Regulation is required. Almost every rule of traffic has been violated and the violation is going on increasing. Something is indeed necessary to regulate traffic. I do not think, however, that all these accidents or offences or violations are due merely to carelessness. I should rather think that they are due to the fierce competition that is raging.....

MR. H. C. DASAPPA.—Where is there any evidence that all accidents are caused by fierce competition?

MR. C. HAYAVADANA RAO.—I will come to that presently. I was saying that a bill which discountenances such results and brings about a regulated sys-

tem of working is a bill that will prove the real solution of the problem.

Private cars increase in numbers more rapidly than commercial vehicles whilst hackneys, buses, coaches, and taxis have shown no tendency to remain stationary. Competition has not conduced to regularity either in the flow or in the development of traffic on rational lines. Undisciplined bus operation is the principal reason for this result which has meant no profit to the country or to the bus-owners. While there has been no exploitation in certain areas, there has been too much of it in others. When traffic in this State is administered by competent authorities, say by a Board of the kind specified in this bill, *in the interests of the public*, and not by non-technical bodies, bus operations of this type, which neither add to the prosperity of the bus-owners nor to that of the public, are likely ro be checked in the manner called for, with resulting advantages to the general interests of the country.

The whole question reduces itself to this: does this bill make for efficient public transport? That, in my opinion, is the essential test of its utility. American experience has definitely shown.....

MR. K. T. BHASHYAM AIYANGAR.—American experience!

MR. C. HAYAVADANA RAO.—My friend always despises foreign experience. He would not carry the load of civilization on his back. He would earn his own experience from birth to death.

MR. K. T. BHASHYAM AIYANGAR.—Please reserve the latter for yourself!

MR. C. HAYAVADANA RAO.—That is superciliousness and not sense. As wise men, we should be prepared to profit by the experience of others. That is why I refer to the experience of those that are in advance of us.

As I was going to say, sir, American experience has definitely shown that the utility of public transport services in growing communities is not diminished by intense automobile development and that such development is possible only when it is well regulated by a competent authority. One hon'ble gentleman suggested that the bill would kill road services. I say, whatever else this bill may or may not achieve, it cannot have that effect. Efficient and adequate road services are essential to this State, whether or not railways are available in certain of its areas. Neither, be it remembered, are there any alternatives. Short distance passengers cannot be diverted to railways, no matter how efficient, and in developed rural areas frequent bus services will perhaps of necessity parallel railways to carry the intense short stage traffic developed. The bill before us provides for these developments. But what seems most essential from the public point of view is this: we should aim at a well-conceived scheme of non-competitive operation of our roads and railways. The most efficient use of roads is according to the Todhunter Report—if that report is of any value at all we should learn this from it—impossible unless all the road and rail facilities are co-ordinated, preferably on the basis of a system which is both simple and regulative in character. Competitive working has proved itself emphatically inimical to both traffic efficiency and national prosperity. This is, as stated by the hon'ble mover, a co-ordinating measure. A measure which aims at co-ordinated operation, facilitates traffic by (1) permitting alterations of service routing and frequency to ease congestion without the restraint of revenue considerations; (2) diverting all such traffic to railways as is reasonably possible; (3) reducing mileage run in congested roads to the minimum; (4) avoiding accidents through racing between competitive vehicles; (5) enabling major changes to be effected with minimum of negotiation and delay; (6) permitting the use of the most suitable transport system for the route concerned; and (7) organising the most technical opinion to overcome non-technical opposition. High authority is not required to prove that competitive operation may improve vehicles and expedite unprogressive services. But it is also known that the cost of obtaining these benefits is generally quite disproportionate to the benefits derived. Road services should deliver traffic to railways and not fill the road with vehicles carrying traffic better carried by rail. Competitive operation has been known to fill busy trunk routes with vehicles, until the revenue earned per mile run is barely remunerative. Competition produces racing, "nursing", and soliciting (especially loitering at busy stops)—operations wholly opposed to safe and efficient traffic flow. Here is my answer to my hon'ble friend Mr. Dasappa who interrupted me a little while ago. The most deplorable results in fatalities on record have been traced to the competitive system. The occasion is come to do away with it, and we should take hold of it in the larger interests of the country.

Sir, I now want to say one or two words about Clauses 4 and 5, which are very important and which have been attacked to-day with some amount of vehimence. The duties and powers of the Board are outlined in clause 5 of the bill. The needs of this State require a permanent organisation to study its transport problems. So far every one will agree whole-heartedly. The constitution of the Board, so far as it goes, is fairly representative of the interests concerned. Perhaps the two City Muncipalities may be more directly proivded for. But I would like to see it has a Traffic Specialist or Engineer on it, who can report direct to it. To a Traffic Committee of representatives of leading road users, local and police authorities and those interested in the development of the resources of the land and the people, and the trading interests as well, such a Traffic Specialist would prove invaluable. He would, perhaps, be able to initiate proposals, conduct required investigations and report on schemes submitted, whilst the Board as a whole would focus criticism, experience, and advice and co-operate generally in working out the requisite solutions. But

it is in my opinion, fundamentally unsound for proposals for transport improvement to await the committee of road users, to certain of whom such may be inimical. Again, unconventional proposals are unlikely to carry conviction to the minds of non-technical bodies. The need, accordingly, for a disinterested technician, unconnected with vested rights and privileges is necessary, if the Board is to work to useful purposes. Not that the technical man would always be correct, but his presence insures the Board against errors in technical matters. Where his opinion may seem unsound, there can seldom be any difficulty in following the consensus of technical opinion by obtaining further advice on major questions.

The whole question reduces itself to what is called "rates" in the schedules.

MR. PRESIDENT.—The only remark that I would like to interject is that time is getting short.

MR. C. HAYAVADANA RAO.—I will complete in a couple of minutes after saying a few words about the clauses. Some of these require attention.

Much has been said about rates of toll, the rate of fee for compostion of tolls on other vehicles, vehicle tax, the road tax, the service tax and the mileage cess. It cannot be denied that those have some bearing on the rates and taxes now in vogue; also that they bear some proportion to the yield derived from them. It comes to this that the rates proposed reflect to some extent to the income derived. The income derived has a bearing on the actual charge for transport by the carrier. The ultimate factor which fixes the rate of taxation is thus the charge for transport incurred. Experience has shown that control of transport has resulted throughout the world in a continuous decrease in the charge of transport. For instance in the case of railways, it has been so. When they were first put to use it was considered impossible to carry at 1½d. per ton mile without serious loss. About 1875, most of the railways of the world carried at about 1d. per ton mile. By 1900, the average rate in advanced European countries ranged from ¾d. in France and ⅝d. in Germany to less than ½d. per ton mile in the U.S.A. In keeping with these reductions was noticeable a diminution to the railways in the cost of producing the service. This decrease was actually greater than that in the charges made to the public. Economists are unanimous that if a country is to be built up on sound lines, the cost of transport should receive primary attention. What does after all transport aim at? It endeavours to render more efficient the instrument by which man or material can be moved. In modern times, there has been intensified tendency to reduce the cost of transport. The more forward the country, the greater is the effort on its part to achieve this result. The reason for this is evident; to transport the raw material to the manufacturing centre or the manufactured article to the consuming areas. The greater the importance attached to this prime necessity the greater is the tendency to annihilate space and time, these great handicaps to industrial development. In the phraseology of the Economist, this means nothing more than a series of attempts to bring down the cost of transport. Cheaper transport means more land under cultivation—land which could not otherwise remunerate the cultivators without a rise in price. That is not the opinion of the man in the street but of an orthodox economist like Mill. What have our critics to say to this? Do they want the cultivator to increase his earnings and profits or put up for ever the cost of transport and make land development impossible? Control means cheapening of transport and that means the prosperity of the *raiyat*. More than this it might be said that mechanical processes of manufacture are all but impossible in a country if its transport system is lagging behind and does not keep pace with their introduction. Thus cheap transport, which cannot be had otherwise than by control, means development of both agriculture and industries. None of the critics of this bill can deny that both these kinds of development are badly needed to-day in this State, if the Vokkaligar—the cultivator *par excellence* in this State—is to prosper. What has my hon'ble friend Mr. Dasappa to say to that? Is the cultivator to be sacrificed to the bus-owner? That is the gist of my contention. Mr. Dasappa must make up his mind to meet that point.

In regard to the constitution of the Board, Clause 4 will need some consideration in the Select Committee. I think the rights of the City Municipalities have to be recognised to some extent. And the addition of a technician will have to be provided for. I know there will be a Secretary and Chairman. But I think in the larger interests of these very people, there must be a person who must be a technical man and, what is more, a trained man. The wording of Clause 5 seems to be a little too wide, especially sub-clauses (2) (4), and (7)(i). Under clause 6, the levy of taxes on motor vehicles, and the rates proposed should be reconsidered. Under Clause 14 (2) the time fixed, 24 hours—seems too short, it seems almost summary in character. Clause 15 saves the 'authorized" from all penalites. In clause 16, for instance, the word "forcibly" seems to require attention. It says:

> "Any person who fraudulently or forcibly passes any toll bar without paying the proper toll.....shall be liable.....to imprisonment..... ".

Innocent persons may be lugged under cover of this clause. Evidence in favour of the accused may be difficult to get, in the particular circumstances of the case. What can be meant by 'forcibly', unless there is an intention super-added to the use of force?

Under Clause 19, conditions of permits for lorries, a proviso seems necessary. A time limit should be laid to avoid uncertainty. This might be provided for, perhaps under the rules to be framed under the Regulation. Under Clause

21, Explanation, why should the exemption be limited to "produce" only? Why not it be extended to the transportation of motor and other equipment required for ploughing, raising the crop etc.? Under Clause 24 (3), determination of amount payable, a provision is, I think, required for increased payment of amount on the basis of the vehicle running in the area of the authority concerned.

In regard to short distance traffic, I am entirely one with my hon'ble friend here, Mr. Dasappa. It requires some closer consideration. No doubt, the object aimed at in the bill is that people should be induced to develop short distance traffic, that smaller cabs should be more largely used and so on. That is perfectly true. But we cannot overlook the fact that there is a humad element in the Traffic Board. Ann therefore I say that it would be well if the Government will allow in the Select Committee stage, some latitude for lessening the rigour relating to the rates to be charged for at least some time to come.

Perhaps powers may be vested in the Board to reduce rates within certain limits. It is true that the schedules prescribe only the *maximum* rates, which may not be prescribed. This, no doubt, is in accordance with the procedure prevailing in the prescribing of rates in connection with Railways. The only question is whether the maximum rates are too high? The tendency generally in cases of this kind is to approximate the maximum rates. It is just here that the further procedure prescribed under Clause 27, amending the schedules by a Legislative Council Resolution seemed handy though somewhat novel in character.

The member for the European Planting constituency suggested the crediting of all amounts recovered under this Regulation to the Road Fund. This may be found disadvantageous in the beginning, though later on such a procedure might prove useful. But in such a case, a contribution from the Road Fund to the general revenues would become necessary, as the roads had been built up from the revenue derived from the general tax-payer.

I am very sorry, sir, if I have kept my friends rather 'busy' with me. The importance of the proposed measure should be my excuse for detaining the House for any length of time.

Mr. K. Matthan.—Sir, this bill has undergone remarkably detailed criticism at the hands of a number of speakers, but I hope we will not make the mistake of losing ourselves among the details and forget the broad facts. Let it not be said that we have missed the wood on account of the trees. Now, what are the broad facts of the situation? I believe there is a general feeling of dissatisfaction about the existing state of affairs regarding motor traffic and motor taxation. The motor bus owners have their grievances, the owners of private cars have their grievances, the general public have their grievances and the Government are also not satisfied. Mr. Mahomed Abbas Khan said that the present system was one of confusion. Undoubtedly there is room for improvement, co-ordination and regulation. I think that is the general feeling all over the country. Government have not started this piece of legislation in a hasty or haphazard fashion. Within the last four years, three committees have been appointed. The first of these was the Mahadevayya Committee. A number of points were gone into with the assistance of the public and other interests. Their recommendations were received, were partly given effect to and are partly in the course of being given effect to. Then there was another committee appointed in 1931, as I reminded the House, under the chairmanship of Mr. S. P. Rajagopalachari and lastly we had a committee appointed under the chairmanship of Sir Charles Todhunter. People who had actual experience of the bus traffic, representatives of the Municipalities, District Boards and two or three of our present members were also members of that committee. I venture to say that that committee especially has examined the whole question in a thorough fashion—examined the development of motor transport and the rules and Regulations therefor all over the world before submitting its detailed recommendations. This bill is mainly intended to implement the principal items of the recommendations of that weighty committee and I hope the hon'ble members will not be too ready to think that it is so unsatisfactory in all its features as to justify rejection. Surely, this House is not going to lightly brush aside the recommendations of this very important committee. I venture to say that the recommendations of the committee, if given effect to by legislation in Mysore, would prove a model for legislation all over India.

One or two more general statements I wish to make before I proceed to deal with some of the details. Surely it is unnecessary for me to remind the members that here in Mysore there is no conflict of interest between the Government and the people. The Government do not want to deprive the public of the advantages of an efficient motor transport system. On the other hand, what is it that they say here in this bill? The duty laid on this Board according to clause 5 is as follows:—

> "The Board shall so exercise its powers as to secure the provision of an adequate and properly co-ordinated system of public service motor transport and for that purpose, while avoiding the provision of unnecessary and wasteful competitive services, to take from time to time such steps as it considers necessary for extending and improving the facilities for such transport in such manner as to provide most efficiently and conveniently for the needs thereof."

This is the object of the Government and that surely is the object which animates every member of this House. We may differ in some particulars as to the manner in which these objects are to be attained, but surely we are all one in desiring an efficient motor trans-

port service and we want to extend and improve the facilities for such transport. I want the hon'ble members to remember that the object of the Government is really the same as the object of the members who have spoken in criticism of the details of the bill.

One other point. We must cease to view this matter of motor transport in a parochial manner. We may treat the bullock transport as confined to a small area like a municipality—a very limited area. When we come to talk of motor transport and motor traffic, we have to think at least provincially. We have also to think inter-provincially, but certainly not parochially. We must not say that what is suited to Jagalur Municipality or what is suited to a particular village will not suit every other part of the State. We must not think as suggested by Mr. Chengalaraya Reddy of having a varying system of vehicle tax according to the capacities and facilities of each locality. As a matter of fact the man living in Jagalur Municipality has the freedom of the entire road system of the State and the man living in the village also has the freedom of the whole road system of the State. We must think provincially and not parochially.

As regards taxation, I think every one of us will sympathise with what Mr. Hill said. He says that the motor industry is heavily taxed by the Government of India—there is a heavy import tax on motor cars, a heavy duty on petrol, a heavy duty on every spare part, lubricants. India is a poor country, but the user of a motor vehicle has probably to spend twice as much here as in Great Britian. That however is a thing which we are not in a position to tackle at present. We are only dealing with our internal taxation. And as regards that internal taxation, I want to emphasise two points. When this motor transport has come to stay, we must provide a road system that is suited to that traffic. It means more money and somebody has to find it. Surely it is the public who uses the road that must pay for the cost of maintenance of the roads. The second general point that I want to mention is that all the revenue derived by the taxation proposed is intended to go for the maintenance of roads. It has not been explicitly stated that there would be a road fund, but there is a government order that all income from this source would go for the maintenance of the roads. Now as I said, it is reasonable that the people who use the road must pay for its maintenance, *i.e.*, a certain amount of taxation has to fall on the user of the road through the bus owner or through the owner of the motor vehicle. This question has been very carefully gone into by the Todhunter Committee and after examining a number of witnesses they have found that if proper fares were charged, a bus can make an income of six annas eight pies (Re. 0-6-8) per mile, and after providing Re. 0-1-6 for depreciation and nearly six pies for interest and profit, there is still nearly a margin of over two annas from which the tax that we propose could be easily met. It is true that some bus-owners have lost. But that is due to their own fault, and no legislation, nobody in the world can protect them from the consquences of their own folly. The other day I was in Sagar and I was making an enquiry about the bus charges. I learnt one curious thing there, *viz.*, that after the railway line was opened up to Anandapuram, the bus fare from Sagar to Shimoga which was Rs. 1-2-0 had been reduced to 8 annas. I ask is it possible for any body to run a distance of 45 miles on a road like that, charge eight annas and make any profit? I am not surprised if Mr. Siddaiya's friend after having invested a capital of Rs. 45,000 gets only a profit of Rs. 200. But this is by no means the extreme case. To-day I heard that for the distance from Mysore to Mercara—I think the distance is 80 miles—(*Mr. H. C. Dasappa*: 78 *miles*) the charge is frequently 10 annas per seat. It was Rs. 10 formerly.

MR. H. C. DASAPPA.—May I know where the information was got from?

MR. K. MATTHAN.—That is the latest information I have got. I can assure the member that the information is correct.

MR. H. C. DASAPPA.—They have never allowed me to travel at that rate.

MR. F. L. SILVA.—The charge was something like Rs. 2.

MR. K. MATTHAN.—I have ascertained definitely that it is 10 annas. But let it be Rs. 2. Is it not an unduly low charge? It is reasonable to charge a very low rate and then say that the industry is not capable of being taxed so as to maintain the road. But if some have lost, a good many have also gained. If it were not so, why is it that so many people are falling over each other in their anxiety to get more services sanctioned? My friend Mr. Dasappa knows that for a distance of 100 miles from Mysore to Ooty, only Rs. 3 is charged, which works out at less than half an anna per mile. Notwithstanding, it is claimed that it can bear the existing tax and leave a profit. What is the existing tax? He has to pay two tolls. How could Mr. Dasappa say that we are going to kill the industry?

One more thing I want to say. Do not generalise from a particular case. It is quite true that there may be cases in which hardship may be experienced. Let us not be thinking of the line from Malur to Masthi, or from one particular place to another. There may be difficulties. But let us think of the broad facts. Let us not generalise from individual cases which are special cases but let us deal with them separately. These are the general considerations which I ask the House to bear in mind.

Now I shall go to some of the details. I do not want to take up the time of the House in going into all the details. The first thing is about the Central Authority. At present, there is the authority of the Government on the one side and

the District Boards and the Municipalities on the other each having its own powers. As Mr. Hill put it every tin-pot municipality is able to make rules to obstruct motor traffic.

MR. K. T. BHASHYAM AIYANGAR.—Is there any such tin-pot municipality in the State?

MR. K. MATTHAN.—I am referring to what Mr. Hill said.

MR. J. MAHOMED IMAM.—There is no such municipality.

MR. K. MATTHAN.—May I not quote what one of the members said?

Then there is the question of co-ordination of the district authorities. The Todhunter Committee has emphasised the fact that the rules and Regulation are there already; but only the several district authorities have interpreted them and given effect to them in their own way—as they understood and as they chose. Then there is the question of co-ordination between roads and railways. Co-ordination is often required between the motor transport system and the postal system. All these matters are there for co-ordination, and I think all the members are generally agreed that there should be a central authority.

Criticism has been made by Mr. Dasappa that no powers of taxation have been given to the Central Board. Surely powers of taxation are not going to be given to anybody below the Government. The Board's business will be to administer the proceeds of the taxation.

MR. H. C. DASAPPA.—Not even that.

MR. K. MATTHAN.—All the powers necessary to do that will be given and if the bill does not specifically mention it, there is nothing to prevent our doing so in Select Committee. The object is clear enough.

Suggestions were made that local sub-committees should be appointed and that there should be representatives of local bodies on the Board. Well, it is obvious that all local bodies cannot have representation and how far and which local bodies have to be represented would be a question that would have to be considered. This however, is not a representative institution: it is not a body to represent local self-government, it is not a body to represent the Chamber of Commerce or to represent various other interests. It is intended to be an administrative body and we must trust that it will do its best to do the right thing, because on it will be representatives not only of the various Government departments like the Roads, Railways and the Police, but also users of the motor vehicles, owners of motor vehicles and owners of buses.

Even in regard to the question of taxation, I believe the attacks have been mostly directed to the details of the taxation proposals. In regard to that, I must first of all remind the House that the details of the taxation proposals are after all such that the bill itself contemplates that they may be changed from time to time with the consent of the Legislative Council, so that there is nothing to prevent our examining the details dispassionately and calmly. Later if we find that we tax the traffic too heavily, by all means let us satisfy ourselves on the point and deal with it suitably. There is nothing to prevent the Select Committee applying its mind to that. Now after all what are the details of these proposals? As regards private cars there is to be a vehicle tax of Rs 30. That surely is not too much for the freedom of all the roads in the country.

MR. H. C. DASAPPA.—They have got to pay tolls. If the tolls are exempted, that is all right. Otherwise they have no freedom any more than a foreign vehicle.

MR. K. MATTHAN.—They have got to pay tolls. For the maintenance of the roads in the State in an efficient condition for which that tax will be applied and surely it is not too much. The one advantage of our system as compared with the system in Madras has been referred to by Mr. Silva, *viz.*, that the man who uses only a very small area, for instance, one living in Bangalore or Mysore or Jagalur need only pay the vehicle tax. In addition if he wishes to travel outside he has the option of compounding the tolls. If in one quarter he has to travel on a large scale he need only compound in the particular quarter and not for the whole year. I think it is particularly favourable and it is certainly much less than what was proposed by the Committee presided over by Mr. S. P. Rajagopalachari.

Then, in regard to the motor buses, what are the facts? Two taxes they have to pay, *viz.*, mileage cess and the service tax. The mileage cess is there now and if any change is at all made, the incidence of mileage cess in future will be less than what it is to-day because in the case of a number of roads which are now classed as railway competition roads this mileage cess will be reduced.

As regards the service tax, it is intended to take the place of tolls. One point about tolls is that at present it is unequal in its effects. As pointed out by Mr. Hamilton, if the traffic on the road to Magadi can pay one toll, why should the traffic to Anekal be free from it? Why should a man going to Magadi have to pay one rupee while the man going to Anekal can travel at four annas?

MR. J. MAHOMED IMAM.—You can have an additional toll-gate.

MR. K. MATTHAN.—That is just the answer to it. Where there are no toll-gates there is nothing to prevent new toll-gates being established. Therefore this attempt at levying only service tax which will not be too heavy as compared with the general average of tolls is really a step in the right direction.

Attention has been drawn by several speakers to very small bits of routes which cannot form part of a co-ordinated system. I have indicated that they may be dealt with in various ways. I can assure this House that when this bill goes to the Select Committee there is nothing to prevent our considering in what way we could give them relief.

There is one other point. I referred to the fact that the municipal councils

are allowed to interfere with motor traffic. This bill contemplates municipal councils interfering with motor traffic and levying tolls where they are established. I fully sympathise with the view that has been expressed that the power of municipalities except of Bangalore and Mysore should be taken away of imposing tolls on the passing motor traffic. Such compensation as may be just may be given. I think that would be a slight departure from the bill as it is now before the House. Government will have no objection to that matter being re-examined in the Select Committee when it goes before them.

I do no want to deal with many of the other points, but I will refer only to the question of the distribution of revenue between the District Boards and the various authorities. I can only say that it is the Government's intention that it should be done in a just manner. If more revenue has been realised in any district, by opening more tolls on district fund roads, there is no resaon why the just claims of the district board should not be considered. In any case, the whole income should go to the roads. If it is not a direct item to go to district boards, there is nothing to prevent the grant of an extra subvention from the Government to the district boards from the revenue derived under this head. I think the House may rest assured that Government do what is just.

Mr. Chandrasekharaiya referred to the proposal to alter schedules as a novel one. I am surprised at it. There is provision for such alteration in the District Boards Regulation, and it is by no means novel. That is an identical provision.

There are other details such as the one suggested by Mr. Hayavadana Rao that on the Central Board there should be a Technician. That after all is a small matter which can be considered either in the Select Committee or preferably on the administrative side.

MR. H. C. DASAPPA.—What about lorries ?

MR. K. MATTHAN.—About lorries, I want to emphasise the fact that our rates of taxation of lorries are by no means high. In fact as some of the members stated, lorries do a considerable amount of damage to the roads and I think it is only reasonable that they should be properly taxed. The rate of taxation proposed here is less than the rate paid in Madras and a considerable number of lorries escape any taxation by claiming to be private lorries, but many of them transport a large quantity of traffic on hire. I do not think that the rates for motor lorries should really be reduced but I have no objection to the question being examined. I only want to remind the House now of one more point.....

MR. D. V. GUNDAPPA.—I want to ask one specific question. I keep a car and live in Bangalore. I pay the vehicle tax. Once in a way I wish to go to Mysore in my car. What should I pay ?

MR. K. MATTHAN.—You must pay tolls and the vehicle tax.

MR. D. V. GUNDAPPA.—When I return ?

MR. K. T. BHASHYAM AIYENGAR.—Not even tolls if you return within 24 hours.

MR. K. MATTHAN.—I only want to remind the House that if this opportunity is missed of passing a legislation like this, Government would be left in the unenviable position of fixing the rates of taxation themselves under the powers vesting in them now. I therefore suggest that the wisest thing for the House is to accept the principles of this legislation and agree to the proposition that I shall next move, *viz.*, that the Bill be referred to a Select Committee.

MR. PRESIDENT.—I now put this motion to the House. The question is :

"That the Mysore Road Traffic and Taxes Bill published under Rule 8 of the Rules of Business be read in Council".

The motion was adopted.

(b) *Motion that the Bill be referred to a Select Committee.*

THE FIRST MEMBER (*Rajamantrapravina Diwan Bahadur* K. MATTHAN), MOVER.—Sir, I beg to move that the Bill be referred to a select committee consisting of :—

1. Mr. F. A. Hamilton ;
2. *Diwan Bahadur* N. N. Ayyangar
3. Mr. ~~A. V. Ramanathan~~ ; S. A. Wajid
4. Mr. C. S. Kuppaswami Iyengar ;
5. Mr. H. D. Sinclair ;
6. Mr. H. C. Dasappa ;
7. Mr. K. Chengalaraya Reddy ;
8. Mr. A. L. Hill ;
9. Mr. B. K. Garudachar ;
10. Mr. F. L. Silva ;
11. Mr. H. B. Gundappa ;
12. Mr. G. Channappa ;
13. *Rajasabhabhushana* K. R. Srinivasa Iyengar, and the Mover.

THE GENERAL SECRETARY TO GOVERNMENT (MR. S. ABDUL WAJID), SECONDER.—Sir, I beg to second the motion.

MR. PRESIDENT.—The question is :

"That the Bill be referred to a Select Committee consisting of the members mentioned above".

The motion was adopted.

IMMEDIATE.

D.O. No. P2381

21st November 1931

Dear Sir,

The accompanying matter relating to the Mysore Road Traffic and Taxes Regulation may kindly be caused to be set in type and three clear proofs forwarded to this office before Friday the 23rd instant.

The matter has appear in the Gazette of next week.

Yours sincerely,

B.Srinivasa Iyengar, Esq., B.A.,
Superintendent,
Government Printing,
Bangalore.

Draft)

F.C. Hand by the Undersecy
Jooru
21/11/31.

I M M E D I A T E.

GENERAL AND REVENUE SECRETARIAT,

D. O. No. P 2568 Tech PP 1-5

Dated, Bangalore 27th November 1934.

Dear Sir,

In continuation of my D.O.No. P.2381 dated 21st November 1934, forwarding the Mysore Road Traffic and Taxes Regulation for being set in type for publication in this week's Gazette, I enclose herewith the statement of objects and reasons to accompany the said Regulation and request that this also may be set in type and kept ready for publication on Thursday the 29th instant.

Yours sincerely,

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B. Srinivasa Iyengar, Esq., B.A.,
Superintendent,
Government Printing,
Bangalore.

I M M E D I A T E.

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Yours sincerely,

B. Srinivasa Iyengar, Esq., B.A.,
Superintendent,
Government Printing,
Bangalore.

NOTIFICATION.

No. 2026—L. C. Bangalore, dated 28th November 1934.

Under Rule 8 of the Rules for the conduct of business of the Mysore Legislative Council, the accompanying Mysore Road Traffic and Taxes Bill is published for general information with the statement of Objects and Reasons.

By Order,
C. SUBRAHMANYA AIYAR,
Secretary,
Mysore Legislative Council.

The Mysore Road Traffic and Taxes Bill.

Whereas it is expedient to make further provision r the regulation of traffic on roads and to provide for e levy of certain taxes on motor vehicles ; Preamble.

And whereas it is expedient to amend the law relating tolls ;

It is hereby enacted as follows :—

PART I.—PRELIMINARY.

1. (1) This Regulation may be called the Mysore oad Traffic and Taxes Regulation, 193 . Short title.

(2) It extends to the whole of Mysore. Local extent.

(3) It shall come into force on such date as the overnment may, by notification in the Official Gazette, ect. Commencement.

DEFINITIONS.

2. In this Regulation, unless there is anything ugnant in the subject or context,—

(1) " The Board " means the Traffic Board const ed under this Regulation.

(2) "Licensing Officer" means an officer appointed by the Government to exercise the powers and perform the functions of a licensing officer under this Regulation.

(3) "Motor Bus" means a public service motor vehicle which is used for the carriage of persons and has seating accommodation for eight or more persons inclusive of the driver.

(4) "Motor Cab" means a public service motor vehicle used for the carriage of persons, other than a motor bus;

(5) "Motor Car" means a motor vehicle which is not a public service motor vehicle or a motor cycle or motor lorry.

(6) "Motor Cycle" means a motor vehicle without a carriage body running on not more than three wheels and weighing not more than eight hundred-weights unladen and includes an auto-wheel and a motor scooter.

(7) "Motor Lorry" means a motor vehicle which is ordinarily used for the carriage or haulage of goods or goods and passengers and includes a trailer when so used.

(8) "Motor Vehicle" has the same meaning as in the Mysore Motor Vehicles Regulation, 1928.

(9) "Prescribed" means prescribed by rules made under this Regulation.

(10) "Private motor vehicle" means any motor vehicle which is not a public service motor vehicle.

(11) "Public Road" means any street, road, path-way, square, court, alley, passage or riding path over which the public have a right of way, whether a thoroughfare or not and includes the road-way over any public bridge or causeway.

(12) "Public Service Motor Vehicle" means a motor vehicle which is let or plied for hire or reward.

(13) "Registered owner" means the person i whose name a motor vehicle or trailer is registered unde the Mysore Motor Vehicles Regulation, 1928.

(14) "Side Car" means a wheeled carrier attache to a motor vehicle which motor vehicle rests on not mor than two wheels.

(15) "Tax" includes a tax, cess or fee impose under this Regulation or rules thereunder.

(16) "Trailer" means any vehicle other than side car drawn or propelled or intended to be drawn o propelled by a motor vehicle.

but does not include a trailer when a motor car constructed solely for the carriage of passengers and their effects in addition to the exclusive of the driver

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PART I.—PRELIMINARY.

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(3) It shall come into force on such date as the Government may, by notification in the Official Gazette, Commencement.

DEFINITIONS.

In this Regulation, unless there is anything repugnant in the subject or context,—

(1) "The Board" means the Traffic Board constituted under this Regulation.

(17) "Unladen weight" in relation to a motor vehicle or trailer, means the weight of the vehicle or trailer including all parts and equipment which are necessary for and ordinarily used with the vehicle or trailer when working. Where alternative parts or bodies are used, the heaviest part or body shall be taken into account for the purpose of calculating the unladen weight.

(18) "Year" means the financial year, "half-year" means the first six months or the second six months of such year and "quarter" means the first three months or the second three months of such half-year.

Repeal of certain enactments.

3. The enactments mentioned in schedule I are hereby repealed to the extent and in the manner specified in the fourth column thereof.

Provided that (*a*) the said repeal shall not affect the validity of anything done or the liability of any person to pay any sum due from him under the enactments hereby repealed, (*b*) any appointment, notification, notice, order, license, permission, rule, form, tax, fee, cess or rate, made, issued, given or imposed, toll-gates established, contracts entered into and suits and other proceedings instituted under enactments hereby repealed, shall, so far as may be, be deemed to have been made, issued, given, imposed, established, entered into and instituted under this Regulation.

PART II—ADMINISTRATIVE.

Constitution of the Traffic Board.

4. (1) For the purpose of carrying out the provisions of this Regulation, the Mysore Motor Vehicles Regulation, 1928, and the Mysore Highways Regulation, 1920, and the rules made under them, the Government may appoint, subject to the conditions hereinafter provided, persons, official and non-official, residing within Mysore, to constitute a Traffic Board.

The composition of the Traffic Board

(2) The Board shall, subject to such exceptions and conditions as the Government may from time to time make and impose, include representatives of the owners of private motor vehicles, the users and proprietors of public service motor vehicles and persons having interests in agriculture, trade or commerce in Mysore.

(3) The manner and mode of selecting such representatives shall be in accordance with rules prescribed in this behalf.

(4) The Government may appoint one of the members of the Board as its Chairman and an officer in the service of the Government who may or may not be a member of the Board as its Secretary.

(5) The Chairman and the members of the Board shall hold office for the prescribed period, provided that the Government may by order at any time remove any member and on such removal his seat in the Board shall become vacant.

(6) Casual or other vacancies in the Board shall be filled up by the Government in accordance with rules prescribed in this behalf.

The duties and powers of the Board.

5. (2) It shall be the general duty of the Board so to exercise its powers as to secure the provision of an adequate and properly co-ordinated system of public service motor transport and for that purpose, while avoiding the provision of unnecessary and wasteful competitive services, to take from time to time such steps as it considers necessary for extending and improving the facilities for such transport in such manner as to provide most efficiently and conveniently for the needs thereof.

3 (2) Subject to such rules as may be prescribed, the Board shall control the number and distribution of public service motor vehicles and for this purpose shall in particular perform the following duties, that is to say:

(*a*) From time to time, it shall fix the routes on which public service motor vehicles may be permitted to ply;

(*b*) It shall from time to time determine the number of licenses and permits to be granted for each route and for this purpose shall be guided by the considerations set forth below;

(*c*) It shall generally supervise the regulation and control of public service motor vehicles.

4 (3) When determining the number of licenses and permits to be allowed for each of the routes under sub-section (2) (b), the Board shall be guided by the following considerations, that is to say:

(*a*) the suitability and capacity of the road or roads or portions thereof covered by every proposed route for the carriage of public service motor vehicles;

(*b*) the extent, if any, to which the needs of the proposed routes or any of them are already adequately served;

(*c*) the extent to which the proposed service is necessary or desirable in the public interest;

(*d*) the needs of the area as a whole in relation to traffic (including the provision of adequate, suitable and efficient services, the elimination of unnecessary services and the provision of unremunerative services); and

(*e*) the co-ordination of all forms of transport including transport by rail.

(4) The Government may by notification invest the Board either absolutely or subject to conditions with such powers as may be necessary for the purposes mentioned in sub-section (1) of section 4, ~~and~~ prescribe the mode in which the Board shall conduct its business.

6 ~~(3)~~ (1) The Board may hold an inquiry or direct inquiry to be made in regard to any accident arising out of the presence of a motor vehicle on a public road whereby damage or injury has been caused to ~~any~~ person, ~~vehicle~~ or ~~animal~~, and the Government may invest, by rules, the Board or such person as may be authorised by the Board in this behalf with such powers as may be necessary for the holding of such inquiry and prescribe the procedure to be followed at such inquiry.

(2) Nothing in this ~~sub~~-section shall be construed as in any way affecting, amending or modifying the provision of any other enactment relating to the holding of inquiries into such accidents by the Police or any other authority.

(3) Any report made by or to the Board as the result of an inquiry under this section shall not be used in evidence by or on behalf of any person by or against whom any legal proceedings are instituted in consequence of which the inquiry relates.

" 7. (1) The Government may constitut
an advisory committee for each District desig
the District Traffic
Advisory Committee
consisting of the De
ommissioner who shall be Chairman and such ot

District Traffic Advisory Committees.

or all of the following taxes on motor vehicles kept for use in Mysore at rates not exceeding those prescribed in schedule II (A) to (D) and subject to the privileges, conditions, exemptions and limitations specified therein, that is to say—

(*a*) a vehicle tax on motor cycles ~~and~~ motor cars,
(*b*) a road tax on motor lorries,
(*c*) a service tax on public service motor vehicles used for carrying passengers, and
(*d*) a mileage cess on motor buses.

Payment of tax and issue of license.

97. (1) Upon the issue of a notification under section 96, no motor vehicle shall be used on any public road in Mysore unless the registered owner or the person having possession or control thereof has obtained a license under sub-section (6) in respect of the vehicle.

(2) The vehicle tax imposed under section 96 shall be payable for the year and in advance by the person ~~who keeps~~ a motor vehicle ~~for use~~.

Provided that the Government may by notification allow ~~half yearly period~~ payment of the tax at the rate of half the tax payable for the year.

(3) Taxes other than the vehicle tax shall be payable for the quarter and in advance ~~by the person who keeps a motor vehicle for use~~. ~~Such person may pay in advance~~ the taxes due for two or more consecutive quarters ~~in~~ the same year.

(4) Where a tax other than a vehicle tax for any motor vehicle has been paid for any quarter and the vehicle has not been used during the whole of that quarter or a continuous part thereof, not being less than one calendar month, a refund of the tax at such rates as may from time to time be notified by the Government shall be payable subject to such conditions as may be specified in such notification.

(5) Notwithstanding anything contained in sub-section (1), no person shall be liable to tax during any period on account of any taxable motor vehicle, the tax due in respect of which for the same period has already been paid by some other person.

(6) When any person pays the amount of tax due in respect of any taxable motor vehicle in Mysore or proves to the satisfaction of the licensing officer that no tax is

payable in respect of any motor vehicle, the licensing officer shall—

(i) grant to such person a license, in such form as may be notified by the Government, to use the vehicle on public roads in Mysore for the period or periods concerned; and

(ii) record that the tax has been paid for a specified period or periods or that no tax is payable in respect of the vehicle as the case may be in the certificate of registration granted or renewed in respect of the vehicle under the Rules made by the Government under the Mysore Motor Vehicles Regulation, 1928, or in the case of vehicles not registered under the said rules in a certificate in such form as may be notified by the Government.

Provided that the Government may exempt from the provision of this sub-section any person who has been exempted from the payment of tax in respect of any motor vehicle and prescribe the manner in which such exemption from payment of tax is to be indicated.

Carriage of license on vehicle.

10 &. (1) The license granted in respect of a motor vehicle under sub-section (6) of section 4 shall be exhibited upon the vehicle in such manner as may be notified by the Government and if such a license is not so carried upon such vehicle the registered owner or the person having possession or control thereof shall be punishable with fine which may extend to fifty rupees. 19

(2) The person in charge of any motor vehicle on any public road shall cause the vehicle to stop and to remain stationary so long as may reasonably be necessary when required to do so by any officer under the control of the Board empowered in this behalf by the Government or any police officer in uniform who is not below the rank of Sub-Inspector or who being below such rank is empowered in this behalf by the Inspector-General of Police or the District Magistrate for the purpose of satisfying himself that a license has been obtained in respect of such vehicle for the period then current.

(3) Any person failing to stop a motor vehicle when required to do so by a Police Officer or any other officer under sub-section (2) shall be punishable with fine which may extend to fifty rupees.

Penalty for failure to pay tax.

. &. If a tax due in respect of any motor vehicle has not been paid, the registered owner or the person having possession or control thereof shall be punishable with

which may extend to fifty rupees; and the amount of the tax due by him in respect of such vehicle shall also be recovered as if it were a fine.

Recovery of tax as an arrear of land revenue.

12 10. Any tax under this Regulation may also be recovered in the same manner as an arrear of land revenue. The motor vehicle in respect of which the tax is due or its accessories may be distrained or sold in pursuance of this section, whether such vehicle or accessories be or be not in the possession or control of the person liable to pay the tax.

Exemption

13. 11. The Government may by notification in the Official Gazette make an exemption, reduction in the rate or other modification in regard to a tax payable—

(i) by any person or class of persons, or

(ii) in respect of any motor vehicle or class of motor vehicles.

PART IV.—TOLLS.

Power to cause levy of tolls on roads and bridges and to appoint collectors.

14 12. Subject to the rules prescribed by the Government in this behalf, the Government may cause such rates of tolls not exceeding those mentioned in schedule II hereto annexed, to be levied on any public road or bridge in Mysore, which has been, or shall hereafter be constructed or repaired at the expense of the Government, or any District Board constituted under the Mysore District Boards Regulation, 1926; and may place the collection of such tolls under the management of such persons as may appear to them proper, and all persons employed in the management and collection of such tolls shall be liable to the same responsibility as would belong to them if employed in the collection of the land revenue.

Establishment of toll-bars.

15 13. The Government may, from time to time declare the roads on which and the places where tolls shall be levied, and may abolish the collection of tolls on roads on which such tolls have been declared leviable; and may authorise the erection or removal of any toll-bar for the purpose of carrying out the provisions of this section.

Powers for recovery of toll.

16 14. (1) In the case of non-payment of any such toll on demand, the persons appointed or duly authorised to collect the same may seize any of the ~~carriages~~ or animals on which it is chargeable or any part of their burden of sufficient value to defray the toll.

Provided that when it is proposed to establish a toll gate on a road maintained by a District Board or to abolish such a toll gate, the Government shall consult the District Board concerned before a decision is arrived at.

payable in respect of any motor vehicle, the licensing officer shall—

(i) grant to such person a license, in such form as may be notified by the Government, to use the vehicle on public roads in Mysore for the period or periods concerned; and

(ii) record that the tax has been paid for a specified period or periods or that no tax is payable in respect of the vehicle as the case may be in the certificate of registration granted or renewed in respect of the vehicle under the Rules made by the Government under the Mysore Motor Vehicles Regulation, 1923, or in the case of vehicles not registered under the said rules in a certificate in such form as may be notified by the Government.

Provided that the Government may exempt from the provision of this sub-section any person who has been exempted from the payment of tax in respect of any motor vehicle and prescribe the manner in which such exemption from payment of tax is to be indicated.

Carriage of license on vehicle.

10 &. (1) The license granted in respect of a motor vehicle under sub-section (6) of section 4 shall be exhibited upon the vehicle in such manner as may be notified by the Government and if such a license is not so carried upon such vehicle the registered owner or the person having possession or control thereof shall be punishable with fine which may extend to fifty rupees. 19

(2) The person in charge of any motor vehicle on any public road shall cause the vehicle to stop and to remain stationary so long as may reasonably be necessary when required to do so by any officer under the control of the Board empowered in this behalf by the Government or any police officer in uniform who is not below the rank of Sub-Inspector or who being below such rank is empowered in this behalf by the Inspector-General of Police or the District Magistrate for the purpose of satisfying himself that a license has been obtained in respect of such vehicle for the period then current.

(3) Any person failing to stop a motor vehicle when required to do so by a Police Officer or any other officer under sub-section (2) shall be punishable with fine which may extend to fifty rupees.

Penalty for failure to pay tax.

11. &. If a tax due in respect of any motor vehicle has not been paid, the registered owner or the person having possession or control thereof shall be punishable with fine

No person shall with intent to evade payment of Toll on a vehicle or animal to leave a road or which a tollgate is to be placed and pass over any land within a quarter of mile therefrom, such land not being either a public road or land of which such person is the owner or occupier.

(2) If any toll remains undischarged for twenty-four hours after the property has been seized ~~as stated in~~ under sub-section (1), the said property shall after twenty-four hours notice exclusive of Sunday or any public holiday, be sold by public auction for discharge of the toll and all expenses occasioned by such non-payment, seizure and sale, by order of the officer authorised to superintend~~ent~~ the collection of the said toll, who ~~may~~ cause any balance that may remain to be returned, on demand, to the owner shall

17. "No person shall with intent to evade payment of toll cause a vehicle or animal to leave a road on which a toll station has been placed and pass over any land within a quarter of a mile therefrom, such land not being either a public road or land of which such person is the owner occupier."

Evasion of payment of tolls.

(p.t.o)

~~Magistrate of the person aggrieved.~~

19 16. Any person who fraudulently or forcibly passes any toll-bar without paying the proper toll, or who obstructs the person appointed or duly authorised to collect the toll in the discharge of his duties, shall be able, on conviction before a Magistrate, to imprisonment or any term not exceeding three months or to a fine not exceeding fifty rupees.

20 17. (1) Subject to such conditions as may be prescribed by the Government in this behalf any person may, in respect of a motor cycle, motor car or motor cab belonging to him pay in lieu of all tolls other than those

Composition of tolls.

Regulation was levying tolls and to each Municipal Council which at the commencement of this Regulation was levying a vehicle tax on motor vehicles, a sum determined by the Government as representing the average annual income of each District Board from tolls and of each Municipal Council from vehicle tax on motor vehicles during the three years ending 30th day of June 193 , after deducting therefrom the expenses of collection which shall be determined by the Government in such manner as it may deem fit.

(2) In determining the amount payable to a local authority under sub-section (1) the Government shall take into account—

(*a*) the arrears of tolls or vehicle tax on motor vehicles left uncollected, which could have been collected;

(*b*) the amounts which the local authority should have paid to any other local authority on account of collections made on behalf of the latter and remaining to be adjusted; and

(*c*) the vehicle tax payable on vehicles owned by the local authority or by its employees in respect of which exemptions were granted by the local authority.

(3) At the end of three years from the commencement of this Regulation, the Government may, after consulting the District Board or Municipal Council concerned, ~~determine in such manner as may be then~~ prescribe the amount payable thereafter to such District Board or Municipal Council.

(4) The amount recovered in respect of composition of tolls under section 17, the proceeds of the service tax under sub-section (c) of section 6 on all public service motor vehicles plying or used solely within a Municipality, and the proceeds of the mileage cess under sub-section (d) of section 6 shall be apportioned between the respective local authorities and the Government in such manner as may be determined by rules or orders made in this behalf.

Explanation.—A local authority for the purposes of this sub-section shall mean a District Board, a City Municipal Council or such other Town Municipal Council or Sanitary Board as the Government may notify in this behalf.

Power of Government to make rules.

~~24~~ 25. (1) The Government may, subject to the condition of previous publication ~~except in respect of rules~~

~~relating to matters falling under Part IV of this Regulation,~~ make rules for more effectively carrying out all or any of the purposes of this Regulation.

(2) All rules made under this section shall be published in the Official Gazette and on such publication shall have effect as if enacted in this Regulation.

~~33~~ 26. Whoever contravenes any of the provisions of this Regulation or of any rule made thereunder shall if no other penalty is elsewhere provided in this Regulation for such contravention, be punishable with fine ~~which may extend to~~ one hundred rupees, and, in the event of such person having been previously convicted of an offence under this Regulation or any rule made thereunder with fine ~~which may extend to~~ two hundred rupees.

~~34~~ 27. The Government may, subject to the approval of the Legislative Council, by a resolution recorded in this behalf, alter, add to or cancel any or all of the schedules II to IV of this Regulation and such alteration, addition or cancellation when published in the Official Gazette, shall have the force of law and all references in this Regulation to any of the aforesaid schedules shall be construed as referring to such schedules as for the time being amended in exercise of the power conferred by this section.

~~35~~ 28. No court inferior to that of a Second Class Magistrate shall try any offence punishable under this Regulaion or the rules made thereunder, except offences punishable under Part IV of this Regulation or under rules made in respect of matters under the said part.

SCHEDULE I.

(Section 3.)

Year	No.	Title	Extent of repeal
876	274	Chief Commissioner's Notification No. 274 of 1876.	The whole
926	III	The Mysore District Boards Regulation.	Section 66 and Schedule III.

SCHEDULE III

(Section 14)

Rates of Tolls.

A. MOTOR VEHICLES.

1		On every motor cycle with or without side car	
2		On every ~~four wheeled~~ motor car or motor cab constructed or adapted to carry not more than seven persons including the driver ...	
3		On every four wheeled motor car constructed or adapted to carry eight persons or more including the driver.	
4		On every motor bus	
5	Do	motor lorry	
~~6~~	~~Do~~	~~heavy motor vehicle, i.e., a motor vehicle exceeding two tons in weight unladen~~	
6	Do	vehicle propelled by steam or motor power other than those specified above	
7	Do	vehicle of the categories mentioned in items 1 to 7 above, if laden with timber, ~~fuel, bamboos or stone~~ and entering the State at frontier toll-gate	

B. VEHICLES OTHER THAN MOTOR AND STEAM VE

1		On every four wheeled carriage ...	
2	Do	two wheeled carriage on springs, other than jutka or ekka	
3	Do	ekka or jutka laden ...	
4	Do	do unladen ...	
5	Do	other vehicle on springs including tricycle and bicycle	
6	Do	cart or other vehicle drawn by eight bullocks buffaloes, horses, ponies, asses or mules, laden	
7	Do	cart or other vehicle drawn by eight bullocks buffaloes, horses, ponies, asses or mules, not laden	
8	Do	cart or other vehicle drawn by six bullocks buffaloes, horses, ponies, asses or mules, laden	
9	Do	cart or other vehicle drawn by six bullocks buffaloes, horses, ponies, asses or mules, not laden	
10	Do	cart or other vehicle drawn by four bullocks buffaloes, horses, ponies, asses, or mules, laden	

SCHEDULE IV A

(Section 20.)

Rate of fee for composition of tolls on Motor Vehicles.

Classes of vehicles	Fees per quarter: For vehicles fitted with pneumatic tyres	For other vehicles
1. Motor cycles.	Rs.	Rs.
(a) Motor cycles with two wheels ...	7 8 0	10 0 0
(b) Ditto, if used for drawing a trailer or side car	10 0 0	12 8 0
(c) Motor cycles with three wheels ...	10 0 0	12 8 0
2. Motor cars and motor cabs.		
(a) Weighing not more than 15 cwts., unladen	17 8 0	25 0 0
(b) Weighing more than 15 cwts. but not more than 30 cwts, unladen ...	25 0 0	37 8 0
(c) Weighing more than 30 cwts. but not more than 45 cwts., unladen ...	32 8 0	50 0 0
(d) Weighing more than 45 cwts. but not more than 60 cwts., unladen ...	40 0 0	60 0 0
(e) Weighing more than 60 cwts., unladen	50 0 0	75 0 0
(f) Additional fee payable in respect of such vehicles when used for drawing trailers—		
(i) For each trailer not exceeding 1 ton in weight, unladen ...	10 0 0	15 0 0
(ii) For each trailer exceeding one ton in weight, unladen... ...	20 0 0	30 0 0
Provided that two or more vehicles shall not be chargeable under this class in respect of the same trailer.		

Schedule IV B (Section 21)

"SCHEDULE IV B. (Section 21).

Rate of fee for composition in respect of a single toll gate for certain vehicles.

Fees per annum

Class of vehicle.	(Amount of fee) Rs.	as.	ps.
Motor cycles.	15	0	0
Motor cars weighing not more than 30 cwt. in weight unladen and not constructed to carry more than seven ~~passengers~~ persons inclusive of the driver.	30	0	0
Motorbuses	200	0	0
Carts drawn by a single bullock or two bullocks.	7	8	0

			Rs.	a.	p.
11	On every	cart or other vehicle drawn by four bullocks, buffaloes, horses, ponies, asses, or mules, if not laden	0	3	0
12	Do	cart or other vehicle drawn by two bullocks, buffaloes, horses, ponies, asses or mules, if laden	0	4	0
13	Do	cart or other vehicle drawn by two bullocks, buffaloes, horses, ponies, asses or mules, if not laden	0	2	0
	Do	cart or other vehicle drawn by a single bullock, buffalo, horse, pony, ass or mule, if laden	0	2	0
15	Do	cart or other vehicle drawn by a single bullock, buffalo, horse, pony, ass or mule, if not laden	0	1	0
16	Do	cart or other vehicle, if laden with timber, ~~fuel, bamboos or stone~~ and entering the State at a Frontier Toll-gate	3	0	0

C. ANIMALS, PALANQUINS, ETC.

On every	buffalo or bullock per head, if laden ...	0	1	0
Do	do not laden ...	0	0	6
Do	elephant	1	0	0
Do	camel, if laden	0	4	0
Do	do not laden	0	2	0
Do	horse, if laden or ridden	0	1	6
Do	horse, if unladen or not ridden	0	0	9
Do	thattu or mule, if laden or ridden ...	0	0	9
Do	do if unladen or led ...	0	0	6
Do	ass, if laden or ridden	0	0	6
~~Do~~	~~ass, if unladen or led~~ ...	~~0~~	~~0~~	~~3~~
~~Do~~	~~sheep, goat or pig ... ...~~	~~0~~	~~0~~	~~1~~
Do	planquin, dooly, palna or tonjon with two bearers or rickshaw ...	0	2	0
Do	planquin, dooly, palna or tonjon with more than two bearers	0	4	0

SCHEDULE A.

The Vehicle Tax.—(Section 6 (a)).

Class of Vehicles	*Annual Tax*
	Rs.
1 Motor Cycles	15
2 Motor cars, constructed or adapted to carry in all not more than seven persons including the driver—	
) Weighing not more than 1½ cwts., unladen ...	30
) Weighing more than 1½ cwts., unladen	40
Motor cars constructed or adapted to carry eight persons or more including the driver	60
For heavy motor cars, *i.e.*, motor cars exceeding two tons in weight, unladen	100
Lorries used only for purposes of agriculture	60

Privileges and exemptions ~~which a vehicle is entitled to and the conditions and limitations therefor~~.

1. The vehicle shall be exempt from Municipal tolls either of the Municipal Council within the limits of which the owner resides or of that in the limits of which he carries on business in respect of which the vehicle is used, at his option, which shall be exercised at the time of the payment of the tax.

A vehicle kept outside the limits of any municipality shall be free from the tolls of the municipality nearest the place of residence of the owner or his principal place of business, as the case may be, provided that such municipality is within a radius of five miles from such place. If the place is equidistant from two municipalities, the vehicle shall be free from tolls at the municipality elected and declared by the owner at the time of the payment of the tax, provided that the declaration made shall not be subject to variation during the year.

2. The vehicle shall continue to have all the privileges and exemptions to which it was entitled on payment of the Municipal Vehicle Tax, both in the municipality in which such tax is payable and in other municipalities under any reciprocal arrangements that may have been in force at the commencement of this Regulation.

3. The exemption from tolls specified above shall apply only at the ordinary toll-gates and shall not apply to *ad-hoc* toll-gates established on a newly constructed public road for the recovery of the amount expended upon such public road and the bridge or causeway, if

Mysore District Boards Regulation, 1926, for a similar levy by those bodies is also repealed.

PART II.

Clauses 4 and 5.

These clauses empower the Government to create a ıtral co-ordinating and licensing authority, called the ıffic Board, consisting of official and non-official members, latter including a representative each of the motor -owners, other owners of motor conveyances, agricultural erests and commercial interests. The Chairman of the ard will be appointed by the Government

The Board will be the central authority under the vernment to administer generally the Motor Vehicles gulation, the Road Traffic and Taxes Regulation, the ghways Regulation and the rules under them. It will the function of the Board to secure the provision of a perly co-ordinated system of Public Service Motor ansport to control the number and distribution of public vice motor vehicles and to fix the routes on which they ould ply. The Board will also have the power to hold quiries in cases of accidents of a serious nature connected h motor vehicles.

PART III.

Taxation.

The taxes leviable and the maximum rates at which y are leviable are provided in this part. The manner the levy and the procedure for the payment of the tax l obtaining of licenses and the display of the same on icles are prescribed. Penalties for failure to pay tax to exhibit license are also provided.

Provision is made for recovery of tax as an arrear of and revenue. Power is vested in the Government, to ake an exemption, reduction in the rate of tax or other odification in regard to a tax payable in certain cases.

PART IV.

Tolls.

This part is intended to give a statutory basis to a ystem of levy of toll fees on vehicles which has been in

existence since the year 1876. Government propose to take over the power to levy tolls from District Boards also and section 66 of the District Boards Regulation, 1926, which now empowers the District Boards to levy tolls will be repealed, the intention being to have a uniform system of toll levy, exemptions, etc., on all roads whether provincial or District Board.

The Government is empowered to cause the levy o tolls not exceeding those mentioned in the schedule onany road, or bridge in Mysore constructed or repaired by the Government or any District Board constituted under the Mysore District Boards Regulation, to establish toll bars and to appoint collectors. Provision is made to have suitable machinery for recovery of toll by attachment and destraint of property with necessary safe-guards. There is also provision included for the composition of tolls, exemptions from tolls, or reduction in rate of tolls in certain cases.

PART V.

Lorries.

Certain special provisions have been considered necessary in regard to motor lorries. All lorries privat as well as public will be required to take permits for us of public roads. Power is given to prescribe condition while granting permits as regards area for plying, th goods or persons that could be carried, etc.

PART VI.

General.

Motor vehicles used for agricultural purposes ar exempted from taxation. The power of Municipalities t levy vehicle tax on motor vehicles and tolls on such moto vehicles, as are exempted from municipal tolls by thi Regulation, is taken away. Provision is made to compen sate District Boards and Municipalities for loss of revenu from tolls and vehicle tax and such of the local bodies a are getting a share of the road mileage cess will continue t get it.

Printed by the Superintendent at the Government Press, Bangalore.

Government of His Highness the
Maharaja of Mysore.

General and Revenue Secretariat

Dated Bangalore, the 21st January

Official Memorandum.

A meeting of the Select Committee appointed to consider the Mysore Road Traffic and Taxes Bill will be held in the Chambers of the First Member of Council, in Public Offices, Bangalore at 1 P.M. on Monday the 11th February 191

By order,

Secretary to the Select Committee.

To

1. Mr. F.A. Hamilton, C.I.E.,
2. Diwan Bahadur S.N. Ayyangar, B.A., L.C.E., M.I.E., I.S.E.,
3. Mr. A.V. Ramanathan, B.A.,
4. Mr. C.V. Kuppuswami Iyengar,
5. Mr. H.D. Sinclair,
6. Mr. H.C. Dasappa, B.A., LL.B.
7. Mr. K. Chengalaraya Reddy, B.A., B.L.
8. Mr. A.L. Hill,
9. Rao Bahadur Mr. B.K. Garudachar,
10. Mr. F.D. Silva,
11. Mr. H.B. Gundappa, B.A., B.L.
12. Mr. C. Channappa, B.A., LL.B.
13. Rajasabhabhushana K.P. Srinivasa Ayyangar, [illegible]

Section.

File No.

Serial No.

No. P3626-38

To G. M

Diary No. of letter replied to

General and Revenue Secretariat.

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ied by C.S.I.

A meeting of the Select Committee appointed to consider the Bombay Road Traffic & Taxes Bill will be held in the Chambers of the Hon'ble Member of Council, in the Public Offices, Bangalore at 1 P.M. on Monday the 11th February 1935

By Order

Secy to the Committee 18/1/35

that the Bill be referred to a Select Committee.

MR. PRESIDENT: I now put this motion to the House. The question is:

Mysore Road Traffic

"That the Bill published under Rule 8 of the Rules of Business be read in Council".

The motion was adopted.

(b) Motion that the Bill be referred to a Select Committee.

Mr. K. MATTHAN (Mover).- Sir, I beg to move that the Bill be referred to a select committee consisting of

1. Mr. F.A. Hamilton;
2. Diwan Bahadur N.N. Ayyangar;
3. Mr. A.V. Ramanathan;
4. Mr. C.S. Kuppuswami Iyengar;
5. Mr. H.D. Sinclair;
6. Mr. H.C. Dasappa;
7. Mr. K. Chengalaraya Reddy;
8. Mr. A.L. Hill;
9. Mr. B.K. Garudachar;
10. Mr. F.L. Silva
11. Mr. H.B. Gundappa;
12. Mr. G. Channappa;
13. Rajasabhabhushana K.R. Srinivasa Iyengar and the Mover.

MR. S. ABDUL WAJID (Seconder).- Sir, I beg to second the motion

MR. PRESIDENT: The question is:

"The the Bill be referred to a select committee consisting of the members mentioned above"

The motion was adopted.

THE MYSORE ROAD TRAFFIC AND TAXES REGULATION.

Preamble.

Whereas it is expedient to make further provision for the regulation of traffic on roads and to provide for the levy of certain taxes on motor vehicles.

And whereas it is expedient to amend the law relating to Tolls.

It is hereby enacted as follows:-

Part I - Preliminary-

Short title.

1. (1) This regulation may be called the Mysore Road Traffic and Taxes Regulation, 193 .

Local extent.

(2) It extends to the whole of Mysore.

Commencement. (M.V.R.I)

(3) It shall come into force on such date as the Government may, by notification in the Official Gazette, direct.

Definition.

2. In this Regulation, unless there is anything repugnant in the subject or context:

(1) "The Board" means the Traffic Board constituted under this Regulation.

(2) "Licensing Officer" means an officer appointed by the Government to exercise the powers and perform the functions of a Licensing Officer under this Regulation.

(M.T.A. 2(i))

(3) Motor Vehicle has the same meaning as in the Mysore Motor Vehicles Regulation, 1928:

(4) Private motor vehicle means any motor vehicle which is not a public service motor vehicle ~~or a lorry~~.

(5) "Motor Bus" means a public service motor vehicle which is ordinarily used for the carriage of persons and has seating accommodation for eight or more persons inclusive of the driver;

(6) "Public Service Motor Vehicles" means a mot vehicle which is let or plied for hire or reward;

(8) " Motor Cycle " means a motor vehicle without a carriage body running on not more than three wheels and weighing not more than eight hundred weights unladen and includes an auto-wheel and a motor scooter also.

(M.D.R.)

(9) "Motor Lorry" means a motor vehicle which is ordinarily used for the carriage or haulage of goods and includes a trailer when so used;

Bihar and Orissa Regulation).

(10) "Motor Car " means a motor vehicle which is not a public service motor vehicle or a motor cycle or a motor lorry;

(M.D.R.)

(11) "Prescribed" means prescribed by rules made under this Regulation.

(12) Public Road means any street, road, pathway, square, court, alley, passage or riding path over which the public have a right of way, whether a thoroughfare or not and includes the road way over any public bridge or causeway.

(M.D.R Amendment).

(13) "Registered owner" means the person in whose name a motor vehicle or trailer is registered under the Mysore Motor Vehicles Regulation, 1928.

(M.D.R.)

(14) "Side Car" means a wheeled carrier attached to a motor vehicle which motor vehicle rests on not more than two wheels.

(M.D.R.)

(15) "Tax" includes a tax cess or fee imposed under this regulation;

(16) "Trailer" means any vehicle other than a side car drawn or propelled or intended to be drawn or propelled by a motor vehicle.

(M.D.R.)

(17) "Unladen weight" in relation to a motor vehicle or trailer, means the weight of the vehicle or trailer including all parts and equipment which are necessary for and ordinarily used with the vehicle or trailer when working. Where alternative parts or bodies are used, the heaviest part or body shall be taken into account for the purpose of ~~calcu-~~

(M.T.A. Amendment)

calculating the unladen weight.

(18) " Year" means the financial year, half year means the first six months or the second six months of such year and quarter means the first three months or the second three months of such half year.

epeal of certain enactments.

3. The enactments mentioned in schedule I are hereby repealed to the extent and in the manner specified in the fourth column thereof.

Provided that (a) the said repeal shall not affect the validity of anything done or the liability of any person to pay any sum due from him under the enactments hereby repealed, (b) any appointment, notification, notice, order, licence, permission, rule, form, tax, fee, cess or rate, made, issued, given or imposed, toll gates established, contracts entered into and suits and other proceedings instituted under enactments hereby repealed, shall, so far as may be, be deemed to have been made, issued, given, imposed, established, entered into and instituted under this Regulation.

Part II - Administrative

Section 4.

Constitution of the Traffic Boa d.

(1) For the purpose of carrying out the provisions of this Regulation the Mysore Motor Vehicles Regulation (1928) and the Mysore Highways Regulation, 1910, and the rules made under them, the Government may appoint, subject to the conditions hereinafter provided, persons, official and non-official, residing within Mysore, to constitute a Traffic Board.

The composition of the Traffic Board.

(2) The Board shall, subject to such exceptions and conditions as the Government may from time to time make and impose, include representatives of the owners of private motor vehicles, the users and proprietors of public service motor vehicles and persons having interests in agriculture, trade or commerce in Mysore.

(3) The manner and mode of selecting such representatives shall be in accordance with rules prescribed in this behalf.

(4) The Government may appoint one of the members of the Board as its Chairman and an officer in the service of the Government who may or may not be a member of the Board as its Secretary.

(5) The Chairman and the members of the Board shall hold office for the prescribed period, provided that Government may by order at any time remove any member and on such removal his seat in the Board shall become vacant.

(6) Casual or other vacancies in the Board shall be filled up by the Government in accordance with rules prescribed in this behalf.

Section 5.

London Passenger Transport Act, Sec. 31.

(1) It shall be the general duty of the Board so to exercise ~~their~~ its powers as to secure the provision of an adequate and properly co-ordinated system of motor transport and for that purpose, while avoiding the provision of unnecessary and wasteful competitive services, to take from time to time such steps as ~~they~~ it consider necessary for extending and improving the facilities for such transport in such manner as to provide most efficiently and conveniently for the needs thereof.

(2) Subject to such rules as may be prescribed the Board shall control the number and distribution of public service motor vehicles and for this purpose shall in particular perform the following duties, that is to say,

(a) From time to time it shall fix the ~~the~~ routes on which public service motor vehicles may be permitted to ply;

(b) It shall determine the number of licences and permits to be granted for each route and for this purpose shall be guided by the considerations set forth below;

(c) It shall generally supervise the regulation and control of public service motor vehicles.

(3) When determining the number of licences and permits to be allowed ~~to~~ for each of the routes under sub section (2) (b), the Board shall be guided by the following considerations, that is to say:

(a) the suitability and capacity of the road or roads or portions thereof covered by every proposed route for the carriage of public service motor vehicles,

(b) the extent, if any, to which the needs of the proposed routes or any of them are already adequately served,

(c) the extent to which the proposed service is necessary or desirable in the public interest,

(d) the needs of the area as a whole in relation to traffic (including the provision of adequate, suitable and efficient services, the elimination of unnecessary services and the provision of unremunerative services), and

(e) the co-ordination of all forms of transport including transport by rail.

(4) The Government may by notification invest the Board either absolutely or subject to conditions with such powers as may be necessary for the purposes mentioned in sub-section (1) of section 4 and prescribe the mode in which the Board shall conduct its business.

hold an inquiry

(5) (a) The Board may ~~enquire~~ or direct inquiry to be made ~~into the causes of~~ in respect regard to any accident arising out of the presence of a motor vehicle on a public road whereby damage or injury has been caused to any person, vehicle or animal, and the Government may invest, by rules, the Board or such person as may be authorised by the Board in this behalf with such powers as may be necessary for the holding of such inquiry and prescribe the procedure to be followed at such inquiry.

(b) Nothing in this sub section shall be construed as in any way affecting, amending or modifying the provision of any other enactment relating to the holding of inquiries into such accidents by the Police or any other authority.

Road Traffic Act, S. 23 (4)

(c) Any report made by or to the Board as the result of an inquiry under this section shall not be used in evidence by or on behalf of any person by or against whom any legal proceedings are instituted in consequence of the accident to which the inquiry relates.

Section 6

ıposition of taxes on motor vehicles).

Part III - Taxation.

The Government, may, by notification in the Official Gazette, from time to time direct the levy of any or all of the following taxes on motor vehicles kept or used in Mysore at rates not exceeding those prescribed in Schedule IV(A) to (D) and subject to the privileges, conditions, exemptions and limitations specified therein, that is to say -

T.T.A. 4)

(a) A vehicle tax on ~~all~~ motor cycles and motor cars,

(b) A road tax on ~~all~~ motor lorries.

(c) A service tax on ~~all~~ public service motor vehicles used for carrying passengers.

(d) A mileage cess on motor buses. ~~other than those used solely within a Municipality~~.

Section 7. Payment of tax and issue of license.

(M.T.A.5)

(1) Upon the issue of a notification, under Section (6) no motor vehicle shall be used on any public road in Mysore unless the registered owner or the person having possession or control thereof has obtained a license under Sub Section (6) of Section in respect of the vehicle.

(Bengal M.T.A. 4 (2)

(2) The vehicle tax imposed under Section (6) shall be payable for the year and in advance by the person who keeps ~~(or uses the)~~ a motor vehicle for use.

Provided that the Government may by notification allow half yearly period payment of the tax at the rate of half the tax payable for the year.

(3) Taxes other than the vehicle tax shall be payable for the quarter and in advance by the person who keeps ~~(or used the)~~ a motor vehicle for use. Such person may pay in advance the taxes due for two or more consecutive quarters in the same year.

(4) Where a tax other than the vehicle tax for any motor vehicle has been paid for any quarter and the vehicle has not been used during the whole

of that quarter or a continuous part thereof, not being less than one calendar month, a refund of the tax at such rates as may from time to time be notified by the Government shall be payable subject to such conditions as may be specified in such notification.

(5) Notwithstanding anyting contained in Sub Section (1), no person shall be liable to tax during any period on account of any taxable motor vehicle, the tax due in respect of which for the same period has already been paid by some other person.

(M.T.A.5(2)

(6) When any person pays the amount of tax due in respect of any taxable motor vehicle using any public road in Mysore or proves to the satisfaction of the licensing officer that no tax is payable in respect of any motor vehicle, the licensing officer shall -

(M.T.A.5 (3)

(i) grant to such person a license, in such form as may be notified by the Govern ment, to use the vehicle on public roads in Mysore for the period or periods concerned ; and

(ii) record that the tax has been paid for a specified period or periods or that no tax is payable in respect of the vehicle as the case may be in the certificate of registration granted or renewed in respect of the vehicle under the Rules made by the Government under the Mysore Motor Vehicles Regulation, 1928, or in the case of vehicles not registered under the said rules in a certificate in such form as may be notified by the Government.

Provided that Government may exempt from the provisions of this sub-section any person who has been exempted from the payment of tax in respect of any motor vehicle and prescribe the manner in which such exemption from payment of tax is to be indicated.

Section 8.

Carriage of license on vehicle.

(M.T.A.6).

(1) The license granted in respect of a motor vehicle under ~~clause (i) of~~ sub-section 6 of section 7 ~~12~~ shall be exhibited ~~or carried in a conspicuous place on~~ upon the vehicle in such manner as may be notifie by the Government and if such a license is not so

so carried upon such vehicle the registered owner or the person having possession of control thereof shall be punishable with fine which may extend to fifty rupees.

(2) The person in charge of any motor vehicle on any public road shall cause the vehicle to stop and to remain stationary so long as may reasonably be necessary when required to do so by any officer under the control of the Board empowered in this behalf by the Government or any police officer in Uniform who is not below the rank of Sub Inspector or who being below such rank is empowered ~~specially authorised~~ in this behalf by the Inspector General of Police or the District Magistrate for the purpose of satisfying himself that a license has been obtained in respect of such vehicle for the period then current.

(3) Any person failing to stop a motor vehicle when required to do so by a Police Officer or any other officer under Sub Section (2) ~~(or resisting such officer)~~ shall be punishable with fine which may extend to fifty rupees.

If a tax due in respect of any motor vehicle has not been paid, the registered owner or the person having possession or control thereof shall be punishable with fine which may extend to fifty rupees; and the amount of the tax due by him in respect of such vehicle shall also be recovered as if it were a fine.

Any tax under this Regulation may also be recovered in the same manner as an arrear of land revenue. The motor vehicle in respect of which the tax is due or its accessories may be distrained or sold in pursuance of this section, whether ~~(or not)~~ such vehicle or accessories be or be not ~~(are)~~ in the possession or control of the person liable to pay the

pay the tax.

Section 11. Exemption. (M.T.A.11).

The Government may be notification in the official Gazette make an exemption, reduction in the rate ~~if~~ or other modification in regard to a tax payable,

(i) by any person or class of persons, and

(ii) in respect of any motor vehicle or class of motor vehicles.

PART IV.

TOLLS.

Section 12. **Power to cause levy of tolls on roads and bridges and to appoint collectors.**

Tolls Act 2) Subject to the rules prescribed by the Government in this behalf, the Government may cause such rates of tolls not exceeding those mentioned in ~~the~~ II schedule hereto annexed to be levied on any road or bridge in Mysore, which has been, or shall hereafter be, or repaired constructed at the expense of the Government, ~~and on roads and bridges~~ or any vested in ~~the~~ any District Boards constituted under the Mysore District Boards Regulation, 1926; and may place the collection of such tolls under the management of such persons as may appear to them proper, and all persons employed in the management and collection of such tolls shall be liable to the same responsibility as would belong to them if employed in the collection of the land revenue.

Establishment of toll-bars.

The Government may, from time to time declare the roads on which and the places where tolls shall be levied, and may abolish the collection of tolls, on roads on which such tolls have been declared leviable; and may authorise the erection or removal of any toll-bar for the purpose of carrying out the provision of this section.

Powers for recovery of toll.

(1) In the case of non-payment of any such toll on demand, the ~~officers~~ persons or duly authorised appointed to collect the same may seize any of the carriages or animals on which it is chargeable or any part of their burden of sufficient value to defray the toll;

(2) If any toll remains undischarged for twenty-four hours after the property has been seized as stated in sub-section (1), the said property shall after twenty four hours notice exclusive of Sunday or any public holiday, be sold by public auction. for discharge of the toll and all expenses occasioned by such non-payment, seizure and sale, by order of the officer authorised to superintend the collection of the said toll, who may cause any balance that may remain to be returned, on demand, to the owner of the property.

Release of seized property on tender of dues.

Provided that, if, at any time before the sale has actually begun, the person whose property has been seized shall tender the amount of all the expenses incurred, and of double the toll payable by him, the said officer shall forthwith release the property seized.

(3) Any amount due on account of toll may also be recovered in the same manner as an arrear of land revenue.

Every person, other than the persons appointed or duly authorised to collect tolls under this Regulation, who shall levy or demand any toll on any public road or bridge, or for passing through any bazaar situated thereon, and also every person who shall unlawfully and extortionately demand, or take any other or higher toll than the lawful toll, or under colour of this Regulation seize or sell any property knowing such seizure or sale to be unlawful or in any manner

manner unlawfully extort money or any valuable thing from any person under colour of this Regulation shall be liable on conviction before a Magistrate to imprisonment which may extend to six months or fine which extend to two hundred rupees, any part of which fine may be awarded by the Magistrate to the person aggrieved.

Section 16
C.C.No.10.

Any person who fraudulently or forcibly passes any toll-bar without paying the proper toll, or who obstructs the person appointed or duly authorised to collect the toll in the discharge of his duties, will be liable, on conviction before a Magistrate, to imprisonment for any term not exceeding three months or to a fine not exceeding fifty rupees.

Section 17
Composition of tolls.

(1) Subject to such conditions as may be prescribed by Government in this behalf any person, may, in respect of a Motor Cycle, Motor Car or motor cab belonging to him pay in lieu of all tolls other than those levied at toll gates established on a road newly constructed for the recovery of the amount expended upon such road, a quarterly composition fee at rates not exceeding the maxima specified in schedule II. The payment of such composition fee shall exempt such vehicle from tolls levied by any Municipal Council.

(2) The composition fee payable under sub-section (1) shall be paid for the quarter and in advance.

(3) Any such person may pay in advance the composition fee payable under sub-section (1) for two or more consecutive quarters in the same year. When the fee is so paid, such rebate shall be allowed as may from time to time be notified by the Government.

Section 18.

The Government may by notification in the Official Gazette make an exemption, reduction in the rate or other modification in regard to toll payable

(i) by any person or class of persons and

(2) in respect of any vehicle or animal or classes of vehicles or animals.

PART V.

L o r r i e s.

Section 18:
Permits for Lorries.

(1) No person shall use a motor lorry on a public road ~~for the carriage or haulage of goods.~~

or persons

(a) ~~for hire or reward;~~

(b) ~~for or in connection with any trade or business carried on by him,~~

except under a permit granted by the prescribed authority.

(2) When a motor lorry is being used on a public road ~~for the carriage or haulage of goods~~, t driver of the vehicle, if it belongs to him or is i his possession under an agreement for hire, hire-purchase or loan and in any other case the person w agent or servant the driver is, shall, for the purpose of this part of this Regulation, be deemed to the person by whom the vehicle is being used.

(English Road and Rail Traffic Act, 1933)

(3) The Government may by rules prescribe the conditions subject to which a permit may be granted under this Section. In particular but without prejudice to the generality of the foregoing powers, such conditions may include all or any of the follo ing that is to say,

(R.R.T.A.8(3))

(a) A condition that the lorry shall be used only in a specified area or between specified places.

(b) A condition that certain classes or descriptions of goods only shall be so carried.

(c) A condition that goods shall be carried only for specified persons.

(d) A condition that the lorry shall not carry more than the specified number of persons.

(e) When the vehicle is a lorry intended to be let or plied for hire, such other conditions as the prescribed authority may think fit, to impose in the public interest and with a view to preventing uneconomic competition.

(R.R.T.A. 13(1))

(4) A permit under this section may be revoked or suspended by the prescribed authority by which the permit was granted on the ground that any of the conditions of the permit have not been complied with.

Provided that the said authority shall not revoke or suspend a permit unless he is satisfied after giving the holder of the permit an opportunity of being heard that the permit should be revoked or suspended.

Section 20.

A motor lorry in respect of which a permit is granted under section 18 shall be subject to such periodical inspection as Government may prescribe.

Part VI

G E N E R A L.

Section 21.

Savings as to vehicles used for agricultural purposes.

(M.T.A. 11 A)

No tax under this Regulation other than the vehicle tax shall be levied on any motor vehicle used solely for the purposes of agriculture.

Explanation.- A motor vehicle used for transporting agricultural produce shall not for the purpose of this section be deemed to be used solely for the purposes of agriculture.

Section 22.

Protection in respect of acts done in good faith.

(M.T.A. 13)

No prosecution, suit, or other legal proceeding shall lie against any person for anything in good faith done or intended to be done under this Regulation.

Notwithstanding anything contained in the Mysore City, Town and Minor Municipalities Regulations, 1933, no Municipal Council shall levy (1) a tax on motor vehicles or (2) a toll on such motor vehicles as are exempted from payment of municipal tolls under this Regulation or the rules made thereunder.

(1) From the proceeds of tolls and taxes collected under this Regulation, ~~after deducting the expenses of collection which shall be ascertained by the Government~~, the Government shall pay annually to each District Board which at the commencement of this Regulation was levying tolls and to each Municipal Council which at the commencement of this Regulation was levying a vehicle tax on motor vehicles, a sum determined by the Government as representing the average annuall income of each District Board from tolls and of each Municipal Council from vehicle tax on motor vehicles during the three official years ending 30th day of June 193).

(2) In determining the amount payable to a local authority under sub section (1) the Government shall take into account

(a) the arrears of tolls ar vehicles tax on motor vehicles left uncollected, which could have been collected;

(b) the amounts which the local authority should have paid to any other local authority on account of collections made on behalf of the latter and remaining to be adjusted; and

(c) The vehicle tax payable on vehicles owned by the local authority or by its employees in respect of which exemptions were granted by the local authority.

(3) At the end of three years from the commence ment of this Regulation, the Government may after consulting the District Board or Municipal Council concerned determine in such manner as may be then prescribed the amount payable thereafter to such District Board or Municipal Council.

(4) The amount recovered in respect of composition of tolls under Section 17 and the proceeds of the mileage cess under section 6(d) shall be apportioned between the respective local authorities and the Government in such manner as may be determined by rules or orders made in this behalf.

Explanation. A local authority for the purposes of this sub section shall mean a District Board, a City Municipal Council or such other Town Municipal Council or Sanitary Board as Government may notify in this behalf.

(1) The Government may, (subject to the condition of previous publication) make rules for more effectively carrying out all or any of the purposes of this Regulation.

(2) All rules made under this section shall be published in the official Gazette and on such publication shall have effect as if enacted in this Regulation.

Whoever contravenes any of the provisions of this Regulation or of any rule made thereunder, shall if no other penalty is elsewhere provided in this Regulation for such contravention, be punishable with fine which may extend to one hundred rupees, and, in the event of such person having been previously convicted of an offence under this Regulation or any rule made thereunder, with fine which may extend to two hundred rupees.

The Government may, subject to the approval of the Legislative Council, by a resolution add to or cancel any or all of the schedules II to IV of this Regulation and such alteration, addition or cancellation when published in the official Gazette, shall have the force of law and and all references in this Regulation to any of the aforesaid schedules shall be construed as referring to such schedules as for the time being amended in exercise of the power conferred by this Section.

No court inferior to that of a second Class Magistrate shall try any offence punishable under this Regulation or the Rules made thereunder.

SCHEDULE I (Section 3).

Year	Number	Title.	Extent of repeal.
1876	274	Chief Commissioner's Notification No.274 of 1876.	The whole.
1926	III	The Mysore District Boards' Regulation.	Section 66 and Schedule III.

Schedule II

Rates of Tolls.

A. Motor Vehicles.	Rs.	As.	Ps.
(1) On every motor cycle with or without side car. ..	0	4	0
(2) On every four wheeled motor car or motor cab constructed and adapted to carry not more than 7 persons including the driver. ..	1	0	0
(3) do to carry 8 persons or more including the driver ..	2	0	0
(4) On every motor bus.	2	0	0
(5) On every motor lorry.	3	0	0
(6) On every heavy motor vehicle as defined in Mysore Motor Vehicles Regulation. ..	3	0	0
(7) On every vehicle propelled by steam or motor power, other than those specified above. ..	3	0	0
(8) On every vehicle of the categories mentioned in items 5 to 7 above, if laden with timber, fuel, bamboos or stone and entering the State at a frontier toll-gate.	Rs. 6-0-0		
(9) On every two wheeled cart other than a jutka or ekka. ..	0	2	0
(8) On every ekka or jutka laden ..	0	2	0
(4) On every ekka or jutka unladen. ..	0	1	0
(5) On every other vehicle or springs including tricycle and bicycle. ..	0	2	0
(6) On every car or other vehicle drawn by eight bullocks, buffaloes, horses, ponies, asses or mules, if laden .	1	0	0
(7) do do if not laden ..	0	8	0
(8) On every cart or other article drawn by six bullocks, buffaloes, horses, ponies, asses or mules, if laden. ..	0	8	0
(9) do do if not laden ..	0	4	0
10) On every cart or other vehicle drawn by four bullocks, buffaloes, horses, ponies, asses, or mules, if laden. ..	0	6	0
do do if not laden ..	0	8	0
On every cart or other vehicle drawn by two bullocks, buffaloes, horses, ponies, asses or mules if laden ..	0	4	0
do do if not laden ..	0	2	0
... every cart or other vehicles drawn by a single bullock, buffalo, horse, pony, ass or mule if laden ..	0	2	0
do do if not laden ..	0	1	0

(16)	On every cart or other vehicle, if laden with timber, fuel, bamboos or stone and entering the State at a Frontier Toll-gate	3-0-0
(17)	On every buffalo or bullock per head, if laden	0-1-0
(18)	-do- -do- if not laden	0-0-6
(19)	On every Elephant	1-0-0
(20)	On every camel, if laden	0-4-0
21)	-do- if not laden	0-2-0
(22)	On every horse, if laden or ridden	0-1-6
(23)	On every horse, if unladen or not ridden ...	0-0-9
(24)	On every thattu or mule, if laden or ridden ...	0-0-9

SCHEDULE III.

Rate of fee for composition of tolls on Motor Vehicles.

Classes of Vehicles.	Fees per quarter	
	For vehicles fitted with pnuematic types	For other vehicles.
	Rs	Rs
1. Motor cycles.		
(a) Bicycles ...	7-8-0	10-0-0
(b) Bicycles if used for drawing a trailer or side car ...	10-0-0	12-8-0
(c) Tricycles	10-0-0	12-8-0
2. Motor cars and motor cabs.		
(a) Weighing not more than 15 cwts. unladen ...	7-8-0	25-0-0
(b) Weighing more than 15 cwts but not more than 30 cwts. unladen	25-0-0	37-8-0
c) Weighing more than 30 cwts but not more than 45 cwts. unladen	32-8-0	50-0-0
d) Weighing more than 45 cwts. but not more than 60 cwts. unladen	40-0-0	60-0-0
(e) Weighing more than 60 cwts. unladen.	50-0-0	75-0-0
(f) Additional fee payable in respect of such vehicles when used for drawing Trailers -		
(i) For each trailer not exceeding 1 ton in weight unladen.	10-0-0	15-0-0
(ii) For each trailer exceeding one ton in weight unladen.	20-0-0	30-0-0
Provided that two or more vehicles shall not be chargeable under this class in respect of the same trailer.		

SCHEDULE IV A.

The Vehicle Tax - (Section ~~29-A~~).

Class of Vehicles.	Annual Tax.
1. Motor Cycles.	Rs. 15
2. Motor cars, constructed or adapted to carry in all not more than 7 persons including the driver.	
(a) Weighing not more than 14 Cwts. unladen	Rs. 30
(b) Weighing more than 14 Cwts unladen.	Rs. 40
3. Motor cars constructed or adapted to carry 8 persons or more including the driver	Rs. 60.
4. For heavy motor cars, i.e., motor cars exceeding two tons in weight	Rs. 100.

Privileges & exemptions which a vehicle is entitled to and the conditions and limitations therefor.) (1) The vehicles shall be exempt from Municipal tolls either of the Municipal Council in the limits of which the owner resides or of that in the limits of which he carries on business in respect of which the vehicle is used, at his option, which shall be exercised at the time of payment of the tax.

Vehicles kept outside the limits of any municipality shall be free from the tolls of the municipality nearest the place of residence of the owner or his principal place of business as the case may be, provided that such municipality is within a radius of five miles from such place. If the place is equi-distant from two municipalities, the vehicle shall be free from tolls at the municipality elected and declared by the owner at the time of the payment of the tax, provided that the declaration made shall not be subject to variation during the official year.

J 4355/35

Telegraph Office: BELURHASSAN.

BICCODE ESTATE,
BELUR-HASSAN P. O.,
MYSORE STATE,
SOUTH INDIA.

From A.L.Hill, Esq. 30-1-35.
To The Secretary to the Select Committee on the Road Traffic & Taxes Bill,

Dear Sir,

In reference to your Memorandum No. P3626-38 of 21/22nd :

Will you kindly let me know for now many days the meeting of the Select Committee is expected to last on this occasion ?

Yours faithfully,

A. L. Hill.

Re 1st Paragraph: That all members may be informed that it will continue from day to day, till the Bill is finished

Ce 2/2/35

TYPI
4 FEB. 193
GENL 4-10

General and Revenue Secretariat | File No. of 193 | [App. F. III—2

Serial No.

Draft do Secret. It is for consideration of the Hon. members of the S.C may not be kept ordain of this. A draft Govt. is also suggested

Form 4/2

Issue letter to all the members

Issued P 3963 dt 4.2.35 by 78

Issued P 39820 dt 5.2.35

SUBJECT.....

.....

.....

Section.

File No.

Serial No.

No. P3965

Diary No. of letter replied to.....

To

A.K. Hill Esq.

Coffee Planter & M.L.C

Gisborne Estate

Bellum - Hanson P.O

Dear Sir,

I am in receipt of your D.O dated 30.1.35 enquiring for how many days the running of the S.C to Consider the Road Traffic Rates & Taxes should be enquired to last. I am desired to state that the running may continue four days to

General and Revenue Secretariat.

( )

the 193 .

Date of issue 4/2/35

Signed by .....

List of enclosures.....

Copied by.....

Examined by.....

Say and will Each not
less than two days
Mr 9/12 in ink

Yours truly
C
Myers

D. O. No. 73965 GENERAL AND REVENUE SECRETARIAT,

Dated, Bangalore 4th February 1935.

Dear Sir,

I am in receipt of your D.O dated 30th January 1935 enquiring for how many days the meeting of the Select Committee to consider the Road Traffic and Taxes Bill is expected to last. I am desired to state that the meeting may continue from day to day and will take not less than two days, ie., 11th and 12th instants.

Yours sincerely,

A.L. Hill, Esq.,
Coffee Planter and Member
Legislative Council, Biecode Estate,
Bellur- Hassan P.O.

ppendix F. G.–1]

UBJECT

Section

File No. S.E 25

Serial No.

G. M. No. P3988-00 & Taxes Roll

To

Diary No. of letter replied to

General and Revenue Secretariat.

( )

the 193 .

Date of issue 5/2/1935

Signed by

List of enclosures

Copied by

Examined by

Subject. Meeting of the Committee to consider the Road Traffic

Sir,

In continuation of this office Memo No P3626-38 dt 21/12/34 intimating the Meeting of the above said Committee which was held at 4 P.M. on Tuesday the 4th inst in the Chambers of the Joint Director of Coir, in Public offices, Bangalore ~~the members of the Committee~~ I am directed to inform you that the Committee continue to [illegible]

Say to Day for Consideration

to the measure

By Cardin

Section

File No.

Serial No.

Diary No. of letter replied to

No.

To

General and Revenue Secretariat.

the ( )

19?

Date of issue

Signed by

Dated,Bangalore,the 4th February 1939

eeting of the Select Committee to onsider the Road Traffic and Taxes Bill

In continuation of this office Official Memorandum No.P.3626-38 dated 21/22nd January 1939, intimating that a meeting of the above said Committe will be held at\1 on Monday the 11th instant in the Chambers of the First Member of Council, in Public Offices, Bangalore, I am desired to inform you that the Committee will continue to sit from day to day for consideration of the measure.

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE,

General and Revenue Secretariat,

No. P(407)-89

Dated, Bangalore, 6th Feb. 193 8.

OFFICIAL MEMORANDUM.

Subject:-Meeting of the Select Committee to consider the Road Traffic and Taxes Bill.

The meeting of the above said Committee will be held on Tuesday the 26th instant at 1 P.M. in the Chambers of the First Member of Council in the Public Offices, Bangalore instead of on the 11th instant as already notified in this Office O.M.No.P.3626-38 dated 22nd January 1938.

The Committee will continue to sit from day to day for considering the Bill.

By order,

Secretary to the Select Committee.

Appendix F. G.–1]

SUBJECT.....

.....

.....

Section.

File No.

Serial No.

G.M. No. P 4077-89

To

Diary No. of letter replied to.....

General and Revenue Secretariat.

( )

the *193* .

Date of issue 7/2/35

Signed by J.M.C. Fyfe

List of enclosures.....

Copied by.....

Examined by.....

Subject Meeting of the Select Committee to Consider the Road Traffic & Taxes Bill

The meeting of the above said Committee will be held on the 26th inst at 12 N in the Chambers of the Hon'ble Member of Council in the Public Offices Bungalow instead of on the 11th inst as already notified in this

Appendix F. G.–1]

SUBJECT

Section

File No.

Serial No.

Diary No. of letter replied to

No.

Yours C. M. No P 3626 – 38

1 22. 1935

The committee will

[illegible] to sit [illegible]

day to-day for considering

the Bill

Yours [illegible]

[illegible]

Secy to the S.

7/7/35

Members of the work

Vide Page 2

Government of His Highness the Maharaja of Mysore.

No. P4649-61 General and Revenue Secretariat.

Dated Bangalore the 1st March 1935.

OFFICIAL GAZETTE.

Subject.- Select Committee Meeting to consider the Road Traffic and Taxes Bill.

A Meeting of the Select Committee to consider the Road Traffic and Taxes Bill will be held on Friday the 8th March 1935, and on the following days at 1 P.M. in the Chambers of the First Member of Council, Public Offices, Bangalore.

By Order,

Secretary to the Select Committee.

The Members of the Select Committee.

Appendix F. G.–1]

SUBJECT Select Committee meeting to consider the Road Traffic and Taxes Bill

Section.

File No.

Serial No.

Diary No. of letter replied to

No. C. M. P. 4649 – 31

To

General and Revenue Secretariat.

( )

the *193* .

A meeting of the Select Committee to consider the Road Traffic & Taxes Bill will be held on Friday the 8th March, 1935, and on the following day at 1 P.M. in the Chambers of the Hon'ble Member in Council, Public Offices, Bangalore

By Order,

Date of issue 2/3/35

Signed by

List of enclosures

Copied by

Examined by

Secy to the S.C.

To

The Members of the S.C. Hqrs

Copy to (1) the D.A. to Members

(2) the C. O. for information & necessary action

(3) R.A & R.C. Offices

(4) Mr N. Dangachan D.T.S. Hqrs Dy

(5) the Asst Secy Land

Dear Sir,

As I shall not be able to attend the further meetings of the Select Committee on the Road Trappic & Taxes Bill, I request that my resignation of membership on this Committee may kindly be accepted by the Chairman of the Committee & President of the Council.

Yours rely

To
The Secretary
to the Mysore Legislative Council
Public Offices
Bangalore

Subs for period. Under S.O. 51 of the SOs of the Legis Cl, the Chairman of the S.C. should have power to report to the Dewan the name of any member of the C. who neglects or is unable to attend its sittings, and the Dewan may appoint one of the members of the Council, an additional

Mr. S. Abdul Wajid, The present duties of Directors of Commerce may be entrusted as a member of the Select Committee

Member)

6/8/85

Secy)

6/8/85

7-8-35

6/8/35

Secy. Finance

6/8/85

Finance No P485001 7

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

Dated, Bangalore, 7th March

No. P 4850 / Gen 2

From

The *Secretary to the* ~~Government of His Highness the Maharaja of Mysore~~ *Development D*

Mysore Road Traffic and Taxes Bill
Select Committee.

To

S. Abdul Wajid, Esq., B.A.,

Member, Legislative Council.

Sir,

Under Standing Order 51 of Standing Orders for the conduct of business of the Mysore Legislative Council, I am desired to state that you have been appointed an additional member of the Select Committee appointed to consider the Mysore Road Traffic and Taxes Bill and to request that you will be so good as to be present at the meetings of the said Committee to be held at 1 P.M. on Friday the 8th instant and on the following day at the same hour in the Chambers of the First Member of Council, Public Offices, Bangalore.

A copy of the Bill and a set of connected papers are enclosed.

I have the honour to be,

Sir,

Your most obedient servant,

Secretary to the Select Committee.

Appendix F. G.–1]

SUBJECT.....

.....

.....

Section.

File No.

Serial No.

Diary No. of letter replied to.....

General and Revenue Secretariat.

( )

the *193* .

Date of issue 7/3/39

Signed by Jm CV Byke

No. P4850/Secr

To

S. Abdul Wajid Esqr
M.L.C

Sir,

Under S.O. 51 of S.O.s for the conduct of business of the Legislative Council, I am desired to state that you have been appointed an additional member of the S.E Committee to consider the Hyderabad Traffic & Taxes Bill and to request that you will be good as to be present at the meetings of the

said Committee to be held at 1 P.M on Friday the 5th inst and on the following day at the same hour in the Chambers of the Civil Station of Col, Public Officer, Bangalore.

A copy of the Bill and a set of connected papers are enclosed

I have etc

Secy to the S.C

Report of the Select Committee on the Mysore Road Traffic and Taxes Bill.

We, the undersigned members of the Select Committee to which the Mysore Road Traffic and Taxes Bill was referred, have considered the Bill at the meetings held on the 26th and 27th February 1935 and the 8th, 9th, 13th and 14th March 1935 and have now the honour to submit this our report together with a copy of the Bill as amended by u

2. CLAUSE 2 (7).- The definition of "Motor Lorry" as in the Bill would include smaller trailers used for carrying the personal luggage of private motor car owners. It is the opinion of the Committee that they should be excluded from the definition of "Lorries" and not be subjec to a heavy road tax. We have therefore added the followir words at the end of the definition of "Motor Lorry":--

"but does not include a trailer when drawn by a motor car constructed solely for the carriage of not more than seven passengers inclusive of the driver and used for the carriage of their effects."

3. CLAUSE 4 (2).- As we consider that it will be useful to have a representative of local bodies on the Traffic Board, we have added the words "a representative of the local authorities in the State and" after the word "include" in Clause 4(2).

4. Clause 5, sub-clauses(1)to(4)- We have split up sub-clause (4) of Clause 5 into two sub-clauses and re-arranged sub-clauses (1) to (4).

Sub-clause (1) will be:

"Government may, by Notification, invest the Board either absolutely or subject to conditions with such powers as may be necessary for the purposes mentioned in sub-section (1) of Section 4 "

~~The present~~ Sub-clauses (1), (2) and (3) will be re-numbered (2), (3), and (4).

A new Sub-clause 5 will be added as sub-clause (5)

" Government may prescribe the mode in which the Board shall conduct its business."

5. Sub-clause 5 of Clause 5.- (1) The provision regarding holding of enquiries by the Traffic Board may come in as a separate section and we have accordingly numbered sub-clause 5 of present Clause 5 as Clause 6.

(2) We consider that an enquiry may be held where damage is caused to property also. Vehicle or animal is included in property.

(3) For facilitating an enquiry, the Board should have power to summon witnesses and documents. We have drafted sub-clause 5(a) as follows: -

" 6 (1) The Board may hold an inquiry or direct inquiry to be made in regard to any accident arising out of the presence of a motor vehicle on a public road whereby damage or injury has been caused to person or property, and the Government may invest, by rules, the Board or such person as may be authorised by the Board in this behalf with such powers as may be necessary for the holding of such inquiry and for summoning and enforcing the attendance of witnesses and compelling the production of documents, and prescribe the procedure to be followed at such inquiry."

6. We are of opinion that it is necessary and useful to have advisory committees in each district to advise the Traffic Board upon traffic and other connected matters in the district. We have accordingly inserted the following new clause as clause 7 regarding the constitution of District Traffic Advisory Committees.

" 7. (1) The Government may constitute an advisory committee for each District designated the District Traffic Advisory Committee consisting of the Deputy Commissioner who shall be Chairman and such other members including the President of the District Board as may be appointed by the Government from time to time.

District Traffic Advisory Committees.

(2) It shall be the duty of the District Traffic Advisory Committee -

(i) to consider, report to and advis the Board on any matter relating to traffic within the District.

(ii) to make representations to the Board with respect to any matter connected with the transport services and facilities in the District which are in the opinion of the committee to be considered by the Board, and

(iii) to consider, report to and advise the Board on any other matters which are referred to them by the Board.

7. (1) We have added the words "used or" between the words " vehicles" and "kept" in order to make it clear that liability to taxation arises from the use of public roads in Mysore.

(2) Since under clause 21 motor vehicles used solely for purposes of agriculture are exempted from all tax except vehicle tax and since we are of opinion that lorries used for such purpose should be subject ~~at least~~ to a vehicle tax, we have inserted the words " and lorries used solely for the purpose of agriculture " after the word " motor cars" in ~~sub-clause~~ item (a), deleting the word " and " between " motor cycles" and "motor cars".

8. Clause 7. (1). In sub-clause (2) we have substituted the words " by the registered owner or the person having possession or control of the motor vehicle" for the words " by the person who keeps a motor vehicle for use", so that the wording may be uniform with sub-clause (1) of clause 7 and clause ~~8~~ 8 and 9 of the Bill.

(2) In the proviso to sub-clause (2), the words " half yearly period" are deleted and the words " for half yearly periods" are added after the words " payment of the tax".

(3) Sub-clause (3) has been re-drafted as follows: -

" Taxes other than the vehicle tax shall be payable for the quarter and in advance. The taxes due for two or more consecutive quarters of the same year may be paid in advance".

9. ~~Present~~ clause 12.- Some of the members of the committee considered that ~~the provision~~ a specific provision exempting ~~agricultural~~ bullock carts from tolls should be incorporated in section 12. The majority of the committee were of the opinion that it was not desirable to embody in the Regulation an exemption in respect of one category of vehicles and that as the existing exemptions have been granted ~~by Government~~ Orders, ~~similar exemption in respect of agricultural carts~~ may be ~~granted~~ by the Government under powers vested in them by section 18 of the Regulation.

10. Present clause 13.-It is desirable that ~~the Government should~~ establish a new toll gate on a road maintained by the District Board or abolish an existing toll gate on such road ~~after consulting the District Board concerned~~. We have therefore added the following proviso to ~~the present~~ clause ~~13~~:

"Provided that ~~before~~ a new toll gate ~~is established~~ on a road maintained by a District Board or an existing toll gate on such a road ~~is removed~~, ~~the Government shall consult the~~ District Board concerned."

11. ~~10~~. Present Clause 14.- We have made the following verbal changes:--

In sub-clause (1) the word "Vehicles" has been substituted for the ~~word~~ word "Carriages".

In Sub clause (2),

(a) the word "such" between the words "If any" and "toll remains", has been added;

(b) the word "under" for the words "as stated in", has been substituted;

(c) the word "shall" for "may" in the words "who may cause" has been substituted.

12. ~~11~~ The payment of toll is sometimes evaded by leaving the road on which a toll gate has been located and passing over land adjacent to the toll gate. In order to prevent such evasion, we consider it desirable to prohibit vehicles or animals from passing over land within a radius of two furlongs from the toll gate withou payment of toll. We have therefore added a clause as follows after ~~clause~~ 14 ~~of the Act~~. This is in accordance with Section 109 of the Madras Local Boards Act (1920).

"No person shall with intent to evade payment of toll cause a vehicle or animal to leave

Evasion of payment of tolls.

a road on which a toll ~~station~~ gate has been placed and pass over any land within a quarter of a mile therefrom, such land not being either a public road or land of which such person is the owner or occupier."

(p.t.o)

13. Present clause 15.- The words "for a term not exceeding six months or to a fine not exceeding" may be substituted for the words "which may extent to six months or fine which may extend to".

14. Present clause 17(1). The words "newly constructed" in this clause ~~would appear to apply to a road or bridge constructed after the coming into force of this Regulation.~~ The intention is that the composition of tolls under this clause ~~should~~ apply only to the ordinary toll gates and ~~should~~ not cover tolls leviable at ad hoc toll gates established on recently constructed public roads and bridges for the recovery of the amount expended upon them. It is the opinion of the Committee that such tolls not covered by the composition fee under this clause be limited to those levied at the toll gates at Akkihebbal, ~~T. Narsipur~~ and Gorur ~~and that these be mentioned specifically in a schedule to the Bill~~. We have therefore substituted for the words "on a road newly constructed" in ~~present~~ clause 17(1), the following words :--

"on any road or bridge specified in Schedule V or a road or bridge constructed after the coming into force of this Regulation".

(2) We have added the words "or bridges" after the words "upon such road".

(3) We have added another schedule as follows:--

SCHEDULE V.

Recently constructed roads and bridges.
(Section 20).

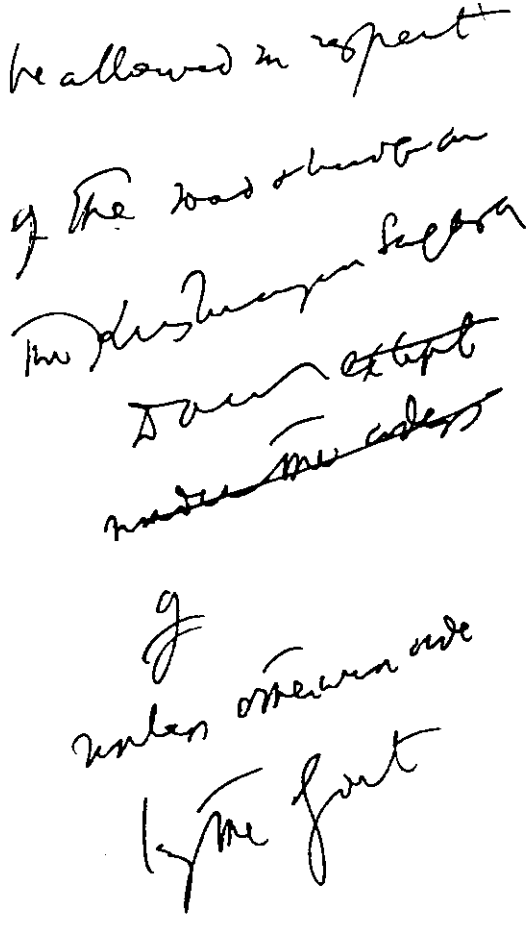
The road and bridge over (i) the Cauvery at ~~T. Narsipur~~ Sorale
(ii) the Hemavati at Akki-hebbal &
(iii) the Hemavati at Gorur.

15(1). The Committee are of opinion that facilities for composition of single toll gates may be given in respect of motor cycles, motor cars and carts not laden with timber. We do not propose to allow such composition in respect of frontier toll gates and would limit such composition for each vehicle to any one toll gate. We have therefore added a clause as follows ~~for~~ after present clause 17:-

"17. "Subject to such conditions as may be ~~pres-~~ ordered (SK)
~~cribed~~ by the Government in this behalf, any person may, in respect of any of the following vehicles belonging to him, viz., (a) a motor cycle or (b) a motor car not exceeding 30 cwt. in weight unladen and constructed for the carriage of not more than seven ~~passen-~~ persons gers inclusive of the driver or (c) a cart drawn by a single bullock or two bullocks, compound for such sum ~~as is~~ not exceeding the maximum specificied in schedule IV(B) payable annually, in lieu of all tolls payable at any one toll gate established under this Regulation other than a frontier toll gate.

Composition of tolls in respect of single toll gates.

Provided that such composition under this



section shall not

(i) be allowed in respect of more than one toll gate for any such motor cycle, motor car or cart; and

(ii) exempt such cart from tolls when laden with timber".

(2) We have added a schedule after present schedule II indicating an annual composition fee in respect of any one toll gate at the following rates:--

Motor cycles	...	Rs. 15 0 0
Motor Cars.	...	Rs. 30 0 0
Carts	...	Rs. 7 8 0

16. We considér it necessary that all taxes, tolls and fees collected under this Regulation should be credited to a special fund called the "Road Fund" and the proceeds thereof after deducting all charges thereon and payments to be made to local authorities under clause 24 should be used on the construction and maintenance of roads and bridges in Mysore. Further, it is our opinion that the Traffic Board should have administrative powers over the Road Fund subject to the control of the Government. Accordingly, we have inserted the following clauses as a separate part after Part V in regard to the constitution of the Road Fund:

Part VI. ROAD FUND.

All taxes, tolls and fees paid under this Regulation, the Mysore Motor Vehicles Regulation, 1928, and the Mysore Highways Regulation, 1920, shall be credited to a special fund, to be designated the Road Fund, to which fund shall also be credited such other sums as the Government may from time to time direct.

26. The Road Fund will be debited under the orders of the Government with the following charges, that is to say ,

(1) such amount as the Government may from time to time determine on account of the expenses incurred in the carrying into effect of the Regulations mentioned in section 25 and the rules made thereunder.

(2) payments made to local authorities under section 31.

(3) allotments made at the discretion of the Government for such other purposes not hereinbefore mentioned as may be consistent with or necessary for the more efficient administration of the Regulations mentioned above or the rules made thereunder.

27. The proceeds of the Road Fund after deducting the charges under section 26 shall be used on the construction and maintenance of roads and bridges in Mysore.

28. The Board shall administer the Road Fund subject to the control of the Government in such manner as may be ordered by the Government from time to time.

Provisoire pour faire circuler
la Recommandation pour
exemplaire des Cours
Georges Vedel et Jean Foyer

17 (1). Present clause 21.- In the explanation to this clause, we have added the words "along a road" after the word "~~bridges~~ produce" and "and section 6" after the words "this section".

(2) Some of the members suggested that only a motor vehicle for hire used for transport of agricultural produce ~~for hire~~ should not be deemed to be used solely for the purposes of agriculture. The majority were of the opinion that the explanation to this clause may stand as it is.

18. ~~Present~~ Clause 24.- (1) We have added the words "after consulting the district board or municipal council concerned" after the words "a sum determined by the Government" in sub-clause (1).

(2) Sub-clause (3).-The committee are of the opinion that there should be periodical revisions of the amounts payable to the local authorities. We have therefore re-drafted sub-clause (3) as follows:--

"At the end of three years from the commencement of this Regulation, the Government may, after consulting the district board or municipal council concerned, prescribe the manner in which and the periods for which the amounts payable thereafter to such district board or municipal council shall be paid."

19. ~~Present~~ Clause 25.-We are of opinion that the condition of previous publication may

be applied to Rules made in respect of tolls also. We have therefore deleted the words "except in respect of rules relating to matters falling under Part IV of this Regulation."

20. Present clause 26.-We have substituted the words "not exceeding" for the words "which may extend to" in both the places where they occur.

21. Present Schedule II.-This has been re-numbered as Schedule III.

(a) In item 4 of A, insert the words "four wheeled" between the words "every" and "motor-bus".

(b) We have deleted item 6.

(c) In item 8 of A, we have deleted the words "fuel, bamboos, or stone".

(d) In item 5 of B.-We consider that tricycles and bicycles need not be made liable to toll. We have therefore substituted the word "excluding" for "including" in this item.

(e) Item 16 of B.-We have deleted the words "fuel, bamboos or stone", imposing toll at this rate only on carts laden with timber.

(f) We have deleted items 11 & 12 of C.

(g) We have re-drafted the provisos herein as follows:

"1. Double the rate of tolls prescribed above may be levied in the case of carts referred to in items 6, 8, 10, 12 and 14 of B, if laden and entering the State at a frontier toll gate.

2. Double the rate of tolls prescribed above may be levied in the case of carts referred to in items 6, 8, 10 & 12 of B when such carts are laden with timber.

3. The Government may prescribe lower rates

rates of tolls than those prescribed in this schedule on carts fitted with tyres over 2½ inches in width or with pneumatic tyres."

22. Present Schedule III. -

(1) This is renumbered as Schedule IV A.

(2) In regard to new Section 21 which we have inserted, we add the following new schedule:--

"SCHEDULE IV B. (Section 21).

Rate of fee for composition in respect of a single toll gate for certain vehicles.

Class of vehicle.	Amount of fee. Rs.	as.	ps.
(a) Motor cycles.	15	0	0
(b) Motor cars weighing not more than 30 cwt. in weight unladen and not constructed to carry more than seven passengers inclusive of the driver.	30	0	0
(c) Motor buses	200	0	0
(d) Carts drawn by a single bullock or two bullocks.	7	8	0

23. Present Schedule IV A.

1. This is renumbered as Schedule II A.

2. In pursuance of the amendment proposed in present clause 6, we have added the following new item as item 5:

"5. Lorries used solely for purposes of agriculture.	Annual Tax. Rs. 60. "

3. The Committee are of opinion that on payment of the vehicle tax, a motor vehicle should be exempt from tolls at all the municipal toll gates in the State. We have therefore deleted "Privileges etc." and items 1 to 3 thereunder and inserted the following:

"Privileges and Exemptions:

The vehicle shall be exempt from all municipal tolls".

24. ~~Present~~ Schedule IV B. (1) This has been re-numbered as Schedule II B.

(2) We have added the words "without trailers" after the words "motor-lorries" in item 1.

(3) We have added the following after item (g):

"exceeding 100 cwt. in weight unladen..... Rs. 250--300."

(4) Since the schedule does not cover cases of lorries used for the carriage of goods and also passengers, we have made the following changes:

The words "used for the haulage of goods only" are added after the word "reward" in item 2.

The following is inserted as item 3:

~~3. Motor lorries applied for hire~~

Motor lorries let or plied for hire or reward used for the carriage or haulage of goods and passengers.	(a) a tax as on a lorry under item (2) above, having a weight which bears to the unladen weight of the vehicles the same proportion as the floor area set apart for the carriage of goods bears to the total floor area of the vehicle, together with (b) a tax ~~calculated at Rs. 7-8-0 per quarter~~ for every passenger which the vehicle is licensed to carry, and (c) a mileage cess at 6 pies per mile.

Explanation.- Goods in items 2 & 3 above do not include light personal effects of passengers."

(5) We have re-drafted the provisos as follows:--

"1. (a) Lorries not let or plied for hire or reward shall be exempt from tolls other than those levied by a municipal council in the area in which they have the permit for working in accordance with sub-section (3) of section 18/23.

(b) While working outside the said area

on special permits they are liable to both Government and municipal tolls.

(c) The lorry shall be exempt from all municipal tolls either of the municipal council within the limits of which the owner resides or s of that in the limits of which he carries on busine in respect of which the vehicle is used at his option, which shall be exercised at the time of the payment of the tax.

A lorry kept outside the limits of any municipality shall be free from the tolls of the municipality nearest the place of residence of the owner or his principal place of business, as the case may be, provided that such municipality ~~xx~~ is within a radius of five miles from such place. If the place is equidistance from two municipalities, the lorry shall be free from tolls at the municipality elected and declared by the owner at the time of the payment of the tax, provided that the declaration made shall not be subject to variation during the year.

2. Lorries let or plied for hire shall be exempt from tolls other than those levied by a municipal council in the area in which they have the permit provided that, on roads which the Board may declare as competing with the Railways in respect of traffic, they may be subject to the payment of tolls.

3. The provisos to Schedule II C and II D will be applicable to the cases of vehicles under item 3 above."

25. Schedule IV C.

1. We have re-numbered this as Schedule II C.

~~2. The words~~ "under the Mysore Motor-vehicles rules" in (a) and (b) of item 1 may be deleted ~~as the licensing hereafter will be under this Regulation~~.

2. It was suggested by some members that the seating capacity rate ~~be~~ reduced to Rs.6/-. We consider that some concession may be shown in respect of short service buses in rural areas. We have therefore added the following proviso at the end of item 1(b)

"Provided that in respect of certain classes of routes as may be graded by the Traffic Board the rates in column 2 for ~~vehicles in items (a) and (b)~~ shall not exceed ~~Rs.24/- &~~ Rs.6/- ~~respectively~~

3. We have re-drafted proviso 3 as follows:

"Motor cabs and motor buses paying service tax shall be exempt from municipal tolls either of the municipal council within the limits of which the owner resides or of that in the limits of which he carries on business in respect of which the vehicle is used, at his option, which

be exercised at the time of the payment of the tax.

A motor cab or motor bus kept outside the limits of any municipality shall be free from the tolls of the municipality nearest the place of residence of the owner or his principal place of business, as the case may be, provided that such municipality is within a radius of five miles from such place. If the place is equidistant from two municipalities, the motor cab or motor bus shall be free from tolls at the municipality elected and declared by the owner at the time of the payment of the tax, provided that the declaration made shall not be subject to variation during the year.

26 Schedule IV D.-(1) We have re-numbered this as Schedule II D. Some members were of the opinion that the mileage cess should be fixed at so much per seat per mile and not fixed at six piés per mile irrespective of the seating capacity. After examining the several proposals, the ~~majority of~~ the committee decided to retain the rate as in the schedule.

(2) We have redrafted the proviso as follows:

"Buses paying the mileage cess are exempt from all tolls levied either by the Government or a municipal council except those levied at toll gates established on any road or bridge specified in schedule V or a road or bridge constructed after the coming into force of this Regulation, for the recovery of the amount expended on such road or bridge or causeway, if any, over which it may lie."

27. In respect of the present clause 17 as amended, we have inserted the following as Schedule V.

SCHEDULE V.

Recently constructed roads and bridges.
(Section 20).

The road and bridge over	(i) the Cauvery at T. Narsipur (ii)the Hemavathi at Akki-Hebbal & (iii) the Hemavati at Gorur.

28. We have made certain verbal changes which are indicated in the bill as annexed hereto.

29. As there have been a large number of amendments, we consider that republication of the bill is necessary.

GENERAL AND REVENUE SECRETARIAT,

D. O. No. [illegible] Dated, Bangalore 25th April 1935

Dear Sir,

I am desired to forward herewith the draft of a report of the Select Committee on the Mysore Road Traffic and Taxes Bill and to request that the same may kindly be returned to me with your approval before the end of the month as it has to be published in the Gazette thereafter.

Yours sincerely,

Gen

the 193 .

Date of issue 26/4/35

Signed by H C C

Wellington,

I am
to forward herewith
draft of a R/O
the S.C on the
Road Traffic and
and to request
the same may
be returned to me
soon as convenient
and on the number

Gazeta Tunc affixi

James Kuno

DRAFT REPORT OF THE SELECT COMMITTEE ON THE MYSORE ROAD TRAFFIC AND TAXES BILL.

We, the undersigned members of the Select Committee to which the Mysore Road Traffic and Taxes Bill was referred, have considered the Bill at our meetings held on the 26th and 27th February 1935 and on the 8th, 9th, 13th and 14th March 1935 and have now the honour to submit this our report together with a copy of the Bill as amended by us.

2. *Clause 2* (7). The definition of "motor lorry" as in the Bill would include small trailers used for carrying the personal luggage of private motor car owners. It is the opinion of the Committee that they should be excluded from the definition of "lorries" and not be subject to a heavy road tax. We have therefore added the following words at the end of the definition of "motor lorry":—

"but does not include a trailer when drawn by a motor car constructed or adapted solely for the carriage of not more than seven persons including the driver and used for the carriage of their effects."

3. *Clause 4* (2).—As we consider that it will be useful to have a representative of local bodies on the Traffic Board, we have added the words "a representative of the local authorities in the State and" after the word "include" in clause 4 (2).

4. *Clause 5 sub-clauses (1) to (4).*—We have split up sub-clause (4) of clause 5 into two sub-clauses and rearranged sub-clauses (1) to (4).

Sub-clause (1) will be:—

"The Government may by notification invest the Board either absolutely or subject to conditions with such powers as may be necessary for the parposes mentioned in sub-section (1) of section 4."

Sub-clauses (1), (2) and (3) will be renumbered (2), (3), and (4).

A new sub-clause as follows will be added as sub-clause (5).

The Government may prescribe the mode in which the Board shall conduct its business."

5. *Sub-clause (5) of clause 5 of the Bill.*—(1) The provision regarding holding of enquiries by the Traffic Board may come in as a separate section and we have accordingly numbered sub-clause (5) of clause 5 of the Bill as clause 6.

(2) For facilitating an enquiry, the Board should have power to summon witnesses and documents. We have accordingly redrafted sub-clause (5) (a) of clause 5 of the Bill as follows :—

"6. (1) The Board may hold an inquiry or direct inquiry to be made in regard to any accident arising out of the presence of a motor vehicle on a public road whereby damage or injury has been caused to person or property, and the Government may invest, by rules, the Board or such person as may be authorised by the Board in this behalf with such powers as may be necessary for the holding of such inquiry and for summoning and enforcing the attendance of witnesses and compelling the production of documents, and prescribe the procedure to the followed at such inquiry."

6. We are of opinion that it is necessary and useful to have advisory committees in each district to advise the Traffic Board on traffic and other connected matters in the district. We have accordingly inserted the following new clause as clause 7 regarding the constitution of District Traffic Advisory Committees.

District Traffic Advisory Committees.

"7. (1) The Government may constitute an advisory committee for each district designated the District Traffic Advisory Committee consisting of the Deputy Commissioner who shall be chairman and such other members including the President of the District Board as may be appointed by the Government from time to time.

(2) It shall be the duty of the District Traffic Advisory Committee—

(i) to consider, report to and advise the Board on any matter relating to traffic within the district;

(ii) to make representations to the Board with respect to any matter connected with the transport services and facilities in the district which are in the opinion of the committee to be considered by the Board, and

(iii) to consider, report to and advise the Board on any other matters which are referred to them by the Board."

7. *Clause 6 of the Bill.*—(1) We have added the words "used or" between the words "vehicles" and "kept for use" in order to make it clear that liability to taxation arises from the use of public roads in Mysore.

(2) Since under clause 21 of the Bill motor vehicles used solely for purposes of agriculture are exempted from all taxes except vehicle tax and since we are of opinion that lorries used for such purposes should be subject to a vehicle tax, we have inserted the words "and motor lorries used solely for purposes of agriculture" after the words "motor cars" in item (*a*), deleting the word "and" between "motor cycles" and "motor cars."

8. *Clause 7 of the Bill.*—(1) In sub-clause (2) we have substituted the words "by the registered owner or the person having possession or control of the motor vehicle" for the words "by the person who keeps a motor vehicle for use," so that the wording may be uniform with sub-clause (1) of clause 7 and clauses 8 and 9 of the Bill.

(2) Sub-clause (3) has been re-drafted as follows:—

"Taxes other than the vehicle tax shall be payable for the quarter and in advance. The taxes due for two or more consecutive quarters of the same year may be paid in advance."

9. *Clause 12 of the Bill.*—Some of the members of the committee considered that a specific provision exempting bullock carts from tolls should be incorporated in clause 12. The majority of the committee were of the opinion that it was not desirable to embody in the Regulation an exemption in respect of one category of vehicles and that as the existing exemptions in respect of bullock carts have been granted by executive orders of the Government, these exemptions may be continued by the Government under the powers vested in them by clause 18 of the Bill. Further these carts are at present subject to the levy of tolls at the District Fund toll gates of certain districts and the statutory exemption of all bullock carts from the payment of tolls would raise difficulties in the matter of the amount of compensation payable to District Boards for loss of toll revenue.

10. *Clause 13 of the Bill.*—It is considered desirable that before deciding to establish a new toll bar on a road

maintained by the District Board or to abolish an existing toll bar on such road the District Board should be given an opportunity of expressing its view. We have therefore added the following proviso to this clause.

"Provided that when it is proposed to establish a new toll bar on a road maintained by a District Board or to abolish an existing toll bar on such a road such District Board shall be given an opportunity of expressing its opinion on the proposal, before a decision is come to."

11. The payment of toll is sometimes evaded by leaving the road on which a toll bar has been located and passing over land adjacent to the toll bar. In order to prevent such evasion, we consider it desirable to prohibit vehicles or animals from passing over land within a radius of two furlongs from the toll bar without payment of toll. We have therefore added a clause as follows after clause 14 of the Bill. This is in accordance with section 109 of the Madras Local Boards Act (1920).

Evasion of payment of tolls.

"No person shall with intent to evade payment of toll cause a vehicle or animal to leave a road on which a toll bar has been placed and pass over any land within a quarter of a mile therefrom, such land not being either a public road or land of which such person is the owner or occupier."

12. *Clause 17 (1) of the Bill.*—The words "newly constructed" in this clause are not sufficiently definite. The intention is that the composition of tolls under this clause will apply only to the ordinary toll bars and will not cover tolls leviable at *ad hoc* toll bars established on recently constructed public roads and bridges for the recovery of the amount expended upon them. It is the opinion of the Committee that such tolls not covered by the composition fee under this clause should be limited to those levied at the toll bars on the Hemavati bridge at Akkihebbal, on the Cauvery bridge at T. Narasipur, on the Hemavati bridge at Gorur and on the Krishnarajasagar Dam and to those that may be established hereafter over roads or bridges constructed after the coming into force of this Regulation. We have therefore substituted for the words "on a road newly constructed" in clause 17 (1), the following words:—

"on any road or bridge specified in Schedule V or a road or bridge constructed after the coming into force of this Regulation."

(2) We have added the words "or bridges" after he words "upon such road."

(3) We have added another schedule as follows :—

"SCHEDULE V.

RECENTLY CONSTRUCTED ROADS AND BRIDGES.

(*Section* 20):

(i) The road and bridge over the Cauvery at T. Narsipur.

(ii) The road and bridge over the Cauvery at Krishnarajasagara.

(iii) The road and bridge over the Hemavati at Gorur.

(iv) The road and bridge over the Hemavati at Akkihebbal."

13. (1) The Committee are of opinion that facilities or composition of tolls leviable at any one toll bar may be given in respect of motor cycles, motor cars, motor buses and bullock carts not laden with timber. We do not propose to allow such composition in respect of frontier toll bars and would limit such composition for each vehicle to any one toll bar. We have therefore added a clause as follows after present clause 17.—

Composition of tolls in respect of single toll bars.

21. Subject to such conditions as may be prescribed by the Government in this behalf, any person may, in respect of any of the following vehicles belonging to him, namely, (*a*) a motor cycle or (*b*) a motor car not exceeding 30 cwt. in weight unladen and constructed or adapted for the carriage of not more than seven persons including the driver or (*c*) a motor bus or (*d*) a cart drawn by a single bullock or two bullocks, pay in lieu of all tolls payable at any one toll bar established under this Regulation other than a frontier toll bar an annual composition fee at rates not exceeding the maxima specified in schedule IV (B).

Provided that such composition under this section shall not—

(i) be allowed in respect of more than one toll bar for any such motor cycle, motor car, motor bus, or cart ; and

(ii) exempt such cart from tolls when laden with timber."

(2) We have added a Schedule IV B after Schedule II of the Bill indicating an annual composition fee in respect of any one toll bar at the following rates :—

		Rs.	a.	p.
Motor cycles	....	15	0	0
Motor cars	....	30	0	0
Motor buses	..	200	0	0
Carts	....	7	8	0

14. We consider it necessary that all taxes, tolls and fees collected under this Regulation should be credited to a special fund called the "Road Fund" and the proceeds thereof after deducting all charges thereon and payments to be made to local authorities under clause 24 of the Bill should be used on the construction and maintenance of roads and bridges in Mysore. Further, it is our opinion that the Traffic Board should have administrative powers over the Road Fund, subject to the control of the Government. Accordingly, we have inserted the following clauses as a separate part after Part V in regard to the constitution of the Road Fund.

"PART VI—ROAD FUND.

"25. All taxes, tolls and fees paid under this Regulation, the Mysore Motor Vehicles Regulation, 1928, and the Mysore Highways Regulation, 1920, shall be credited to a special fund, to be designated the Road Fund, to which fund shall also be credited such other sums as the Government may, from time to time, direct.

"26. The Road Fund will be debited under the orders of the Government with the following charges, that is to say,

(1) such amount as the Government may, from time to time, determine on account of the expenses incurred in the carrying into effect of the Regulations mentioned in section 25 and the rules made thereunder,

(2) payments made to local authorities under section 32, and

(3) allotments made at the discretion of the Government for such other purposes not hereinbefore mentioned as may be consistent with or necessary for the more efficient administration of the Regulations mentioned above or the rules made thereunder.

"27. The proceeds of the Road Fund after deducting the charges under section 26 shall be used on the construction and maintenance of roads and bridges in Mysore.

"28 The Board shall administer the Road Fund subject to the control of the Government in such manner as may be ordered by the Government from time to time."

15. (1) *Clause* 21 *of the Bill.*—In the explanation to this clause, we have added the words "along a public road" after the word "produce" and the words "and section 8" after the words "this section."

(2) Some of the members suggested that only a motor vehicle for hire used for transport of agricultural produce should not be deemed to be used solely for the purposes of agriculture. The majority were of the opinion that the explanation to this clause may stand as it is.

16. *Clause* 24 *of the Bill.*—(1) We have added the words "after consulting the District Board or Municipal Council concerned" after the words "a sum determined by the Government" in sub-clause (1).

(2) *Sub-clause* (3).—The Committee are of the opinion that there should be periodical revisions of the amounts payable to the local authorities. We have therefore re-drafted sub-clause (3) as follows :—

"At the end of three years from the commencement of this Regulation, the Government may, after consulting the District Board or Municipal Council concerned, prescribe the manner in which and the periods for which the amount payable thereafter to such District Board or Municipal Council shall be paid."

17. *Clause* 25 *of the Bill.*—We are of opinion that the condition of previous publication may be applied to rules made in respect of tolls also. We have therefore deleted the words "except in respect of rules relating to matters falling under Part IV of this Regulation."

18. *Schedule II of the Bill.*—This has been re-numbered as Schedule III.

(*a*) In item 2 of A, the words "four wheeled" have been omitted.

(*b*) In item 4 of A, the words "four wheeled" have been inserted between the words "every" and "motor bus."

(*c*) We have deleted item 6.

(*d*) In Item 8 of A, we have deleted the words fuel, bamboos, or stone."

(*e*) *Item 5 of B.*—We consider that tricycles and bicycles need not be made liable to toll. We have therefore substituted the word "excluding" for "including" in this item.

(*f*) *Item 16 of B.*—We have deleted the words "fuel, bamboos or stone," imposing toll at this rate only on carts laden with timber.

(*g*) We have deleted items 11 & 12 of C.

(*h*) We have re-drafted the provisos herein as follows:—

(1) "Double the rate of tolls prescribed above may be levied in the case of carts referred to in items 6, 8, 10 12 and 14 of B, if laden and entering the State at a frontier toll bar.

(2) Double the rate of tolls prescribed above may be levied in the case of carts referred to in items 6, 8, 10, 12 and 14 of B when such carts are laden with timber.

(3) The Government may prescribe lower rates of tolls than those prescribed in this schedule on carts fitted with tyres over 2½ inches in width or with pneumatic tyres."

19. *Schedule III of the Bill.*—(1) This is re-numbered as Schedule IV A.

(2) In regard to new section 21 which we have inserted, we add the following new schedule:—

"SCHEDULE IV B. (*Section 21*).

...ate of fee for composition in respect of a single toll bar for certain vehicles.

	Class of vehicle	*Amount of annual f*		
		Rs.	a.	p
(*a*)	Motor cycles	15	0	0
(*b*)	Motor cars weighing not more than 30 cwt. in weight unladen and not constructed or adapted to carry more than seven persons including the driver.	30	0	0
(*c*)	Motor buses	200	0	0
(*d*)	Carts drawn by a single bullock or two bullocks ..	7	8	0

20. *Schedule IV A of the Bill.*—(1) This is r numbered as Schedule II A.

(2) In pursuance of the amendment proposed in clause 6 of the Bill, we have added the following new item as item 5 :—

	Annual tax. Rs.
"5. Motor Lorries used solely for purposes of agriculture.	60"

(3) The Committee are of opinion that on payment of the vehicle tax, a motor vehicle should be exempt from tolls at all the municipal toll bars in the State. We have therefore deleted "Privileges, etc.," and items 1 to 3 thereunder and inserted the following :—

"*Privileges and Exemptions.*—The vehicle shall be exempt from all municipal tolls."

21. *Schedule IV B of the Bill.*—(1) This has been re-numbered as Schedule II B.

(2) We have added the words "without trailers" after the words "motor-lorries" in item 1.

(3) We have added the following after item (g) :—

	Rs.
"exceeding 100 cwt. in weight unladen ...	250 300

(4) Since the schedule does not cover the cases of motor lorries used for the carriage of goods and also passengers, we have made the following changes :—

The words "and used for the carriage or haulage of goods only" are added after the word "reward" in item 2.

The following is inserted as item 3 :—

"3. Motor lorries let or plied for hire or reward and used for the carriage or haulage of goods and passengers—

(*a*) a tax as on a motorlorry under item (2) above, having a weight which bears to the unladen weight of the vehicle the same proportion as the floor area set apart for the carriage of goods bears to the total floor area of the vehicle, together with,

(*b*) a service tax calculated at the rate specified in schedule II C for every passenger which the vehicle is licensed to carry, and

(*c*) a mileage cess as on motor buses under Schedule II D.

Explanation.—Goods in items 2 and 3 above do not include light personal effects of passengers.

(5) We have re-drafted the provisos as follows:—

"1. (*a*) Motor lorries not let or plied for hire or reward shall be exempt from tolls other than those levied by a municipal council in the area in which they have the permit for working in accordance with sub-section (3) of section 23.

(*b*) While working outside the said area on special permits, they are liable to both Government and municipal tolls.

(*c*) Such motor lorry shall be exempt from all municipal tolls either of the municipal council within the limits of which the owner resides or of that in the limits of which he carries on business in respect of which the vehicle is used at his option, which shall be exercised at the time of the payment of the tax.

Such motor lorry kept outside the limits of any municipality shall be free from the tolls of the municipality nearest the place of residence of the owner or his principal place of business, as the case may be, provided that such municipality is within a radius of five miles from such place. If the place is equidistant from two municipalities, such motor lorry shall be free from tolls at the municipality elected and declared by the owner at the time of the payment of the tax, provided that the declaration made shall not be subject to variation during the year.

"(2) Motor lorries let or plied for hire shall be exempt from tolls other than those levied by a municipal council in the area in which they have the permit provided that, on roads which the Board may declare as competing with the Railways in respect of traffic, they may be subject to the payment of tolls.

"(3) The provisos to Schedule II C and II D will also be applicable to the cases of vehicles under item 3 above."

22. *Schedule IV C of the Bill.*—(1) We have re-numbered this as Schedule II C.

(2). It was suggested by some members that the service tax on motor buses may generally be reduced to Rs. 6 per seat but this was not agreed to by the majority of the Committee. We consider that some concession may be shown in respect of short service buses in rural areas.

We have therefore substituted the following items for those in the schedule :—

	Rs.	a.	Rs.	a.
"1. Motor cabs other than (3) below"				
(*a*) licensed to carry in all not more than four persons, ...	30	0	45	0
(*b*) licensed to carry more than four persons, for every person which the vehicle is so licensed to carry, ...	7	8	11	4
Motor buses other than (3) below				
for every person whom the vehicle is licensed to carry				
(*a*) on routes graded as class I by the Board	7	8	11	4
(*b*) on routes graded as class II by the Board	6	0	9	0
3. Motor cabs and motor buses used for hire for a strictly limited purpose ...	25	0	37	8"

(3) We have re-drafted proviso 3 as follows :—

"Motor cabs and motor buses paying service tax shall be exempt from municipal tolls either of the municipal council within the limits of which the owner resides or of that in the limits of which he carries on business in respect of which the vehicle is used, at his option, which shall be exercised at the time of the payment of the tax.

"A motor cab or motor bus kept outside the limits of any municipality shall be free from the tolls of the municipality nearest the place of residence of the owner or his principal place of business, as the case may be, provided that such municipality is within a radius of five miles from such place. If the place is equidistant from two municipalities, the motor cab or motor bus shall be free from tolls at the municipality elected and declared by the owner at the time of the payment of the tax, provided that the declaration made shall not be subject to variation during the year."

23. *Schedule IV D of the Bill* :—(1) We have renumbered this as Schedule II D. Some members were of the opinion that the mileage cess should be fixed at so much per seat per mile and not fixed at six pies per mile irrespective of the seating capacity. After examining the several proposals, the majority of the committee decided to retain the rate as in the schedule.

(2) We have re-drafted the proviso as follows :—

"Motor buses paying the mileage cess are exempt from all tolls levied either by the Government or a municipal council

except those levied at toll bars established on any road or bridge specified in Schedule V or a road or bridge constructed after the coming into force of this Regulation, for the recovery of the amount expended on such road or bridge."

24. In respect of the clause 17 of the Bill as amended, we have inserted the following as Schedule V.

SCHEDULE V.

RECENTLY CONSTRUCTED ROADS AND BRIDGES.

(*Section* 20).

(i)	The road and bridge over	the Cauvery at ~~Sosale~~ T. Narasipura.
(ii)	do	the Cauvery at Krishnarajasagara.
(iii)	do	the Hemavati at Gorur.
(iv)	do	the Hemavathi at Akki-Hebbal

25. We have made certain verbal changes which are indicated in the Bill as annexed hereto.

26. As there have been a large number of amendments, we consider that republication of the Bill is necessary.

BILL AS AMENDED BY THE SELECT COMMITTEE.

N.B.—Portions added by the Select Committee are indicated in italics and portions deleted by them are enclosed in square brackets.

NOTIFICATION.

The Mysore Road Traffic and Taxes Bill.

Preamble. Whereas it is expedient to make further provision for the regulation of traffic on roads and to provide for the levy of certain taxes on motor vehicles ;

And whereas it is expedient to amend the law relating to tolls ;

It is hereby enacted as follows :—

PART I—PRELIMINARY.

Short title. 1. (1) This Regulation may be called the Mysore Road Traffic and Taxes Regulation, 193

(2) It extends to the whole of Mysore. Local extent.

(3) It shall come into force on such date as the Government may, by notification in the Official Gazette, direct. Commencement.

2. In this Regulation, unless there is anything repugnant in the subject or context,— Definitions.

(1) "the Board" means the Traffic Board constituted under this Regulation;

(2) "licensing officer" means an officer appointed by the Government to exercise the powers and perform the functions of a licensing officer under this Regulation;

(3) "motor bus" means a public service motor vehicle which is used for the carriage of persons and has seating accommodation for eight or more persons inclusive of the driver;

(4) "motor cab" means a public service motor vehicle used for the carriage of persons, other than a motor bus;

(5) "motor car" means a motor vehicle which is not a public service motor vehicle or a motor cycle or a motor lorry;

(6) "motor cycle" means a motor vehicle without a carriage body running on not more than three wheels and weighing not more than eight hundred-weights unladen and includes an auto-wheel and a motor scooter;

(7) "motor lorry" means a motor vehicle which is ordinarily used for the carriage or haulage of goods or goods and passengers and includes a trailer when so used, *but does not include a trailer when drawn by a motor car constructed or adapted solely for the carriage of not more than seven persons including the driver and used for the carriage of their effects*;

(8) "motor vehicle" has the same meaning as in the Mysore Motor Vehicles Regulation, 1928;

(9) "prescribed" means prescribed by rules made under this Regulation;

(10) "private motor vehicle" means any motor vehicle which is not a public service motor vehicle;

(11) "public road" means any street, road, pathway, square, court, alley, passage or riding path over which the public have a right of way, whether a thoroughfare or not and includes the road-way over any public bridge or causeway;

(12) "public service motor vehicle" means a motor vehicle which is let or plied for hire or reward;

(13) "registered owner" means the person in whose name a motor vehicle or trailer is registered under the Mysore Motor Vehicles Regulation, 1928;

(14) "side car" means a wheeled carrier attached to a motor vehicle which motor vehicle rests on not more than two wheels;

(15) "tax" includes a tax, cess or fee imposed under this Regulation or rules thereunder;

(16) "trailer" means any vehicle other than a side car drawn or propelled or intended to be drawn or propelled by a motor vehicle;

(17) "unladen weight" in relation to a motor vehicle or trailer means the weight of the vehicle or trailer including all parts and equipment which are necessary for and ordinarily used with the vehicle or trailer when working. Where alternative parts or bodies are used, the heaviest part or body shall be taken into account for the purpose of calculating the unladen weight; and

(18) "year" means the financial year, "half-year" means the first six months or the second six months of such year and "quarter" means the first three months or the second three months of such half-year.

Repeal of certain enactments.

3. The enactments mentioned in Schedule I are hereby repealed to the extent and in the manner specified in the fourth column thereof.

Provided that (*a*) the said repeal shall not affect the validity of anything done or the liability of any person to pay any sum due from him under the enactments hereby repealed, (*b*) any appointment, notification, notice, order, license, permission, rule, form, tax, fee, cess or rate, made, issued, given or imposed, toll bars established, contracts entered into and suits and other proceedings instituted under enactments hereby repealed, shall, so far as may be, be deemed to have been made, issued, given, imposed, established, entered into and instituted under this Regulation.

PART II—ADMINISTRATIVE.

Constitution of the Traffic Board.

4. (1) For the purpose of carrying out the provisions of this Regulation, the Mysore Motor Vehicles Regulation, 1928, and the Mysore Highways Regulation, 1920, and the rules made under them, the Government may appoint, subject to the conditions hereinafter provided

persons, official and non-official, residing within Mysore, to constitute a Traffic Board.

The composition of the Traffic Board.

(2) The Board shall, subject to such exceptions and conditions as the Government may from time to time make and impose, include *a representative of the local authorities in the State, and* representatives of the owners of private motor vehicles, the users and proprietors of public service motor vehicles and persons having interests in agriculture, trade or commerce in Mysore.

(3) The manner and mode of selecting such representatives shall be in accordance with rules prescribed in this behalf.

(4) The Government may appoint one of the members of the Board as its Chairman and an officer in the service of the Government who may or may not be a member of the Board as its Secretary.

(5) The Chairman and the members of the Board shall hold office for the prescribed period, provided that the Government may by order at any time remove any member and on such removal his seat on the Board shall become vacant.

(6) Casual or other vacancies in the Board shall be filled up by the Government in accordance with rules prescribed in this behalf.

The duties and powers of the Board.

5. (1) *The Government may by notification invest the Board either absolutely or subject to conditions with such powers as may be necessary for the purposes mentioned in sub-section* (1) *of section* 4.

(2) [(1)] It shall be the general duty of the Board so to exercise its powers as to secure the provision of an adequate and properly co-ordinated system of public service motor transport and for that purpose, while avoiding the provision of unnecessary and wasteful competitive services, to take from time to time such steps as it considers necessary for extending and improving the facilities for such transport in such manner as to provide most efficiently and conveniently for the needs thereof.

(3) [(2)] Subject to such rules as may be prescribed, the Board shall control the number and distribution of public service motor vehicles and for this purpose shall, in particular, perform the following duties, that is to say:

(*a*) From time to time, it shall fix the routes on which public service motor vehicles may be permitted to ply;

(*b*) It shall from time to time determine the number of licenses and permits to be granted for each route and for this purpose shall be guided by the considerations setforth below ;

(*c*) It shall generally supervise the regulation and control of public service motor vehicles.

(4) [(3)] When determining the number of licenses and permits to be allowed for each of the routes under sub-section (3) (b), the Board shall be guided by the following considerations, that is to say :

(*a*) the suitability and capacity of the road or roads or portions thereof covered by every proposed route for the carriage of public service motor vehicles ;

(*b*) the extent, if any, to which the needs of the proposed routes or any of them are already adequately served ;

(*c*) the extent to which the proposed service is necessary or desirable in the public interest ;

(*d*) the needs of the area as a whole in relation to traffic (including the provision of adequate, suitable and efficient services, the elimination of unnecessary services and the provision of unremunerative services) ; and

(*e*) the co-ordination of all forms of transport including transport by rail.

[(4)] [The Government may by notification invest the Board either absolutely or subject to conditions with such powers as may be necessary for the purposes mentioned in sub-section (1) of section 4, and]

(5) *The Government* may prescribe the mode in which the Board shall conduct its business.

6. (1) [(5)(*a*)] The Board may hold an inquiry or direct inquiry to be made in regard to any accident arising out of the presence of a motor vehicle on a public road whereby damage or injury has been caused to [any] person, [vehicle or *property* [animal,] and the Government may invest, by rules, the Board or such person as may be authorised by the Board in this behalf, with such powers as may be necessary for the holding of such inquiry *and for summoning and enforcing the attendance of witnesses and compelling the production of documents*, and prescribe the procedure to be followed at such inquiry.

(2) Nothing in this [sub] section shall be construed as in any way affecting, amending or modifying the

provision of any other enactment relating to the holding of inquiries into such accidents by the Police or any other authority.

(3) Any report made by or to the Board as the result of an inquiry under this section shall not be used in evidence by or on behalf of any person by or against whom any legal proceedings are instituted in consequence of the accident to which the inquiry relates.

District Traffic Advisory Committee.

7. *(1) The Government may constitute an advisory committee for each district designated the District Traffic Advisory Committee consisting of the Deputy Commissioner who shall be Chairman and such other members including the President of the District Board as may be appointed by the Government from time to time.*

(2) It shall be the duty of the District Traffic Advisory Committee—

(i) to consider, report to and advise the Board on any matter relating to traffic within the district;

(ii) to make representations to the Board with respect to any matter connected with the transport services and facilities in the district which are in the opinion of the committee to be considered by the Board; and

(iii) to consider, report to and advise the Board on any other matters which are referred to them by the Board."

PART III—TAXATION.

Imposition of taxes on motor vehicles

8. [6.] The Government may, by notification in the Official Gazette, from time to time direct the levy of any or all of the following taxes on motor vehicles *used or* kept for use in Mysore at rates not exceeding those prescribed in Schedule II [IV] (A) to (D) and subject to the privileges, conditions, exemptions and limitations specified therein, that is to say—

(*a*) a vehicle tax on motor cycles, [and] motor cars *and* motor *lorries used solely for purposes of agriculture*,

(*b*) a road tax on motor lorries,

(*c*) a service tax on public service motor vehicles used for carrying passengers, and

(*d*) a mileage cess on motor buses.

Payment of tax and issue

9. [7.] (1) Upon the issue of a notification under section 8. [6] no motor vehicle shall be used on any public

road in Mysore unless the registered owner or the person having possession or control thereof has obtained a license under sub-section (6) in respect of the vehicle.

(2) The vehicle tax imposed under section 8 [6] shall be payable for the year and in advance by *the registered owner or* the person [who keeps] *having possession or control of the* [a] motor vehicle [for use].

Provided that the Government may by notification allow [half-yearly period] payment of the tax *for half-yearly periods* at the rate of half the tax payable for the year.

(3) Taxes other than the vehicle tax shall be payable for the quarter and in advance [by the person who keeps a motor vehicle for use]. [Such person may pay in advance.] The taxes due for two or more consecutive quarters *of* [in] the same year *may be paid in advance.*

(4) Where a tax other than a vehicle tax for any motor vehicle has been paid for any quarter and the vehicle has not been used during the whole of that quarter or a continuous part thereof, not being less than one calendar month, a refund of the tax at such rates as may from time to time be notified by the Government shall be payable subject to such conditions as may be specified in such notification.

(5) Notwithstanding anything contained in sub-section (1), no person shall be liable to tax during any period on account of any taxable motor vehicle, the tax due in respect of which for the same period has already been paid by some other person.

(6) When any person pays the amount of tax due in respect of any taxable motor vehicle in Mysore or proves to the satisfaction of the licensing officer that no tax is payable in respect of any motor vehicle, the licensing officer shall—

(i) grant to such person a license, in such form as may be notified by the Government, to use the vehicle on public roads in Mysore for the period or periods concerned; and

(ii) record that the tax has been paid for a specified period or periods or that no tax is payable in respect of the vehicle as the case may be in the certificate of registration granted or renewed in respect of the vehicle under the rules made by the Government under the Mysore Motor Vehicles Regulation, 1928, or in the case of vehicles not registered under the said rules in a certificate in such form as may be notified by the Government.

Provided that the Government may exempt from the provision of this sub-section any person who has been exempted from the payment of tax in respect of any motor vehicle and prescribe the manner in which such exemption from payment of tax is to be indicated.

Carriage of license on vehicle.

10. [8] (1) The license granted in respect of a motor vehicle under sub-section (6) of section 9 [7] shall be exhibited upon the vehicle in such manner as may be notified by the Government and if such a license is not so carried upon such vehicle the registered owner or the person having possession or control thereof shall be punishable with fine which may extend to fifty rupees.

(2) The person in charge of any motor vehicle on any public road shall cause the vehicle to stop and to remain stationary so long as may reasonably be necessary when required to do so by any officer under the control of the Board empowered in this behalf by the Government or any police officer in uniform who is not below the rank of Sub-Inspector or who being below such rank is empowered in this behalf by the Inspector-General of Police or the District Magistrate for the purpose of satisfying himself that a license has been obtained in respect of such vehicle for the period then current.

(3) Any person failing to stop a motor vehicle when required to do so by a Police Officer or any other officer empowered under sub-section (2) shall be punishable with fine which may extend to fifty rupees.

Penalty for failure to pay tax.

11. [9] If a tax due in respect of any motor vehicle has not been paid, the registered owner or the person having possession or control thereof shall be punishable with fine which may extend to fifty rupees; and the amount of the tax due by him in respect of such vehicle shall also be recovered as if it were a fine.

Recovery of tax as an arrear of land revenue.

12. [10]. Any tax under this Regulation may also be recovered in the same manner as an arrear of land revenue. The motor vehicle in respect of which the tax is due or its accessories may be distrained or sold in pursuance of this section, whether such vehicle or accessories be or be not in the possession or control of the person liable to pay the tax.

Exemption.

13. [11]. The Government may by notification in the Official Gazette make an exemption, reduction in the rate or other modification in regard to a tax payable—

(i) by any person or class of persons, or

(ii) in respect of any motor vehicle or class of motor vehicles.

PART IV.—TOLLS.

Power to cause levy of tolls on roads and bridges and to appoint collectors.

14. [12]. Subject to the rules prescribed by the Government in this behalf, the Government may cause such rates of tolls not exceeding those mentioned in Schedule III [II] hereto annexed, to be levied on any public road or bridge in Mysore, which has been, or shall hereafter be constructed or repaired at the expense of the Government, or any District Board constituted under the Mysore District Boards Regulation, 1926, and may place the collection of such tolls under the management of such persons as may appear to them proper, and all persons employed in the management and collection of such tolls shall be liable to the same responsibility as would belong to them if employed in the collection of the land revenue.

Establishment of toll-bars.

15. [13]. The Government may, from time to time declare the roads on which and the places where tolls shall be levied, and may abolish the collection of tolls on roads on which such tolls have been declared leviable, and may authorise the erection or removal of any toll bar for the purpose of carrying out the provisions of this section.

Provided that when it is proposed to establish a new toll bar on a road maintained by a District Board or to abolish an existing toll bar on such a road such District Board shall be given an opportunity of expressing its opinion on the proposal, before a decision is come to.

Powers for recovery of tolls.

16. [14]. (1) In the case of non-payment of any such toll on demand, the persons appointed or duly authorised to collect the same may seize any of the *vehicles* [carriages] or animals on which it is chargeable or any part of their burden of sufficient value to defray the toll.

(2) If any such toll remains undischarged for twenty-four hours after the property has been seized *under* [as stated in] sub-section (1), the said property shall after twenty-four hours notice exclusive of Sunday or any public holiday, be sold by public auction for discharge of the toll and all expenses occasioned by such non-payment seizure and sale, by order of the officer authorised to superintend the collection of the said toll, who *shall* [may] cause any balance that may remain to be returned, on demand, to the owner of the property.

Provided that, if at any time before the sale has actually begun, the person whose property has been seized shall tender the amount of all the expenses incurred, and double the toll payable by him, the said officer shall forthwith release the property seized. Release of seized property on tender of dues.

(3) Any amount due on account of toll may also be recovered in the same manner as an arrear of land revenue.

17. *No person shall with intent to evade payment of toll cause a vehicle or animal to leave a road on which a toll bar has been placed and pass over any land within a quarter of a mile therefrom, such land not being either a public road or land of which such person is the owner or occupier.* Evasion of payment of tolls.

18. [15]. Every person, other than the persons appointed or duly authorised to collect tolls under this Regulation, who shall levy or demand any toll on any public road or bridge, or for passing through any bazaar situated thereon, and also every person who shall unlawfully and extortionately demand or take any other or higher toll than the lawful toll, or under colour of this Regulation seize or sell any property knowing such seizure or sale to be unlawful or in any manner unlawfully extort money or any valuable thing from any person under colour of this Regulation shall [be liable] on conviction before a Magistrate [to] *be punishable with* imprisonment for a term which may extend to six months or with fine which may extend to two hundred rupees, any part of which fine may be awarded by the Magistrate to the person aggrieved. Penalty.

19. [16]. Any person who fraudulently or forcibly passes any toll bar without paying the proper toll, or who obstructs the person appointed or duly authorised to collect the toll in the discharge of his duties, shall [be liable,] on conviction before a Magistrate, [to] *be punishable with* imprisonment for [any] a term [not exceeding] *which may extend to* three months or [to a] *with* fine [not exceeding] *which may extend to* fifty rupees. Penalty for fraudulently passing a toll bar.

20. [17]. (1) Subject to such conditions as may be prescribed by the Government in this behalf any person may, in respect of a motor cycle, motor car or motor cab belonging to him pay in lieu of all tolls other than those levied at toll bars established on *any road or bridge specified in Schedule V or a road or bridge constructed after the coming into force of this Regulation* [a road Composition of tolls.

newly constructed] for the recovery of the amount expended upon such road *or bridge*, a quarterly composition fee at rates not exceeding the maxima specified in Schedule IV A [III.] The payment of such composition fee shall exempt such vehicle from tolls levied by any municipal council.

(2) The composition fee payable under sub-section (1) shall be paid for the quarter and in advance.

(3) Any such person may pay in advance the composition fee payable under sub-section (1) for two or more consecutive quarters in the same year. When the fee is so paid, such rebate shall be allowed as may, from time to time, be notified by the Government.

Composition of tolls in respect of a single toll bar.

21. *Subject to such conditions as may be prescribed by the Government in this behalf any person may, in respect of any of the following vehicles belonging to him, namely,* (a) *a motor cycle or* (b) *a motor car not exceeding 30 cwt. in weight unladen and constructed or adapted for the carriage of not more than seven persons including the driver or* (c) *a motor bus or* (d) *a cart drawn by a single bullock or two bullocks, pay in lieu of all tolls payable at any one toll bar established under this Regulation other than a frontier toll bar an annual composition fee at rates not exceeding the maxima specified in Schedule* IV (B).

Provided that such composition under this section shall not

(i) *be allowed in respect of more than one toll bar for any such motor cycle, motor car, motor bus or cart, and*

(ii) *exempt such cart from tolls when laden with timber.*

Exemption.

22. [18] The Government may by notification in the Official Gazette make an exemption, reduction in the rate or other modification in regard to toll payable,

(*i*) by any person or class of persons, and

(*ii*) in respect of any vehicle or animal or classes of vehicles or animals.

PART V.

LORRIES.

Permits for lorries.

23. [19.] (1) No person shall use a motor lorry on a public road, except under a permit granted by the prescribed authority.

fund shall also be credited such other sums as the Government may from time to time direct.

26. The Road Fund will be debited under the orders of the Government with the following charges, that is to say—

(1) such amount as the Government may from time to time determine on account of the expenses incurred in the carrying into effect of the Regulations mentioned in section 25 and the rules made thereunder,

(2) payments made to local authorities under section 32, and

(3) allotments made at the discretion of the Government for such other purposes not hereinbefore mentioned as may be consistent with or necessary for the more efficient administration of the Regulations mentioned above or the rules made thereunder.

27. The proceeds of the Road Fund after deducting the charges under section 26 shall be used on the construction and maintenance of roads and bridges in Mysore.

28. The Board shall administer the Road Fund subject to the control of the Government in such manner as may be ordered by the Government from time to time."

PART [VI]—VII.

GENERAL.

29. [21.] No tax under this Regulation other than vehicle tax shall be levied on any motor vehicle used solely for the purposes of agriculture.

Explanation.—A motor vehicle used for transporting agricultural produce *along a public road* shall not, for the purpose of this section *and section 8*, be deemed to be used solely for the purposes of agriculture.

30. [22.] No prosecution suit or other legal proceeding shall lie against any person for anything in good faith done or intended to be done under this Regulation.

31. [23.] Notwithstanding anything contained in the Mysore City, Town and Minor Municipalities Regulations, 1933, no municipal council shall levy (1) a tax on motor vehicles or (2) a toll on such motor vehicles as are exempted from payment of municipal tolls under this Regulation or the rules made thereunder.

SCHEDULE [II] III.

(Section 14 [12].)

Rates of Tolls.

MOTOR VEHICLES.	s.	a.	p.
every motor cycle with or without side car ...	0	4	0
every [four wheeled] motor car or motor cab constructed or adapted to carry not more than seven persons including the driver	1	0	0
every four wheeled motor car constructed or adapted to carry eight persons or more including the driver	2	0	0
every *four wheeled* motor bus	2	0	0
every motor lorry	3	0	0
Do heavy motor vehicle, *i. e.*, a motor vehicle exceeding two tons in weight unladen ...	3	0	0]
Do vehicle propelled by steam or motor power other than those specified above ...	3	0	0
Do vehicle of the categories mentioned in items 5 and 6 above, if laden with timber, [fuel, bamboos or stone]and entering the State at a frontier toll bar	6	0	0

VEHICLES OTHER THAN MOTOR AND STEAM VEHICLES.			
every four wheeled carriage	0	8	0
Do two wheeled carriage on springs other than a jutka or ekka	0	4	0
Do ekka or jutka laden	0	2	0
Do do unladen	0	1	0
Do other vehicle on springs ex[in]cluding a tricycle and a bicycle	0	2	0
Do cart or other vehicle drawn by eight bullocks, buffaloes, horses, ponies, asses or mules, if laden	1	0	0
Do cart or other vehicle drawn by eight bullocks, buffaloes, horses, ponies, asses or mules, if not laden	0	8	0
Do cart or other vehicle drawn by six bullocks, buffaloes, horses, ponies, asses or mules, if laden...	0	8	0
Do cart other vehicle drawn by six bullocks, buffaloes, horses, ponies, asses or mules, if not laden	0	4	0
Do cart or other vehicle drawn by four bullocks, buffaloes, horses, ponies, asses, or mules, if laden	0	6	0

			Rs.	a.	p.
11	On every	cart or other vehicle drawn by four bullocks, buffaloes, horses, ponies, asses, or mules, if not laden	0	3	0
12	Do	cart or other vehicle drawn by two bullocks, buffaloes, horses, ponies, asses or mules, if laden	0	4	0
13	Do	cart or other vehicle drawn by two bullocks, buffaloes, horses, ponies, asses or mules if not laden	0	2	0
14	Do	cart or other vehicle drawn by a single bullock, buffalo, horse, pony, ass or mule, if laden	0	2	0
15	Do	cart or other vehicle drawn by a single bullock, buffalo, horse, pony, ass or mule, if not laden	0	1	0
16	Do	cart or other vehicle, if laden with timber [fuel, bamboos or stone] and entering the State at a frontier toll-bar	3	0	0

C. ANIMALS, PALANQUINS, ETC.

1	On every	buffalo or bullock per head, if laden ...	0	1	0
2	Do	do not laden ...	0	0	6
3	Do	elephant	1	0	0
4	Do	camel, if laden	0	4	0
5	Do	do not laden	0	2	0
6	Do	horse, if laden or ridden	0	1	6
7	Do	horse, if unladen or not ridden	0	0	9
8	Do	thattu or mule, if laden or ridden ...	0	0	9
9	Do	do if unladen or led ...	0	0	6
10	Do	ass, if laden or ridden	0	0	6
[11	Do	ass, if unladen or led	0	0	3]
[12	Do	sheep, goat or pig	0	0	1]
11 [13]	Do	palanquin, dooly, palna or tonjon with two bearers or rickshaw	0	2	0
12 [14]	Do	palanquin, dooly, palna or tonjon with more than two bearers	0	4	0

Provisos.—

1. *Double the rate of tolls prescribed above may be levied in the case of carts referred to in items 6, 8, 10, 12, and 14 of B, if laden and entering the State at a frontier toll-bar.*
2. *Double the rate of tolls prescribed above may be levied in the case of carts referred to in items 6, 8, 10, 12 and 14 of B, when such carts are laden with timber.*
3. *The Government may prescribe lower rates of tolls than those prescribed in this schedule on carts fitted with tyres over 2½ inches in width or with pneumatic tyres.*

[1. Double the rate of tolls prescribed above may be levied in case of carts referred to in items 6, 8, 10 and 12 of B. when such carts are loaded with timber or stones.]

[2. The Government may prescribe a lower rate of tolls on carts with tyres over 2½" wide than on carts with narrower tyres.]

or Sanitary Board as the Government may notify in behalf.

33. [25] (1) The Government may, subject to condition of previous publication [except in respect of r relating to matters falling under Part IV of this Re lation,] make rules for more effectively carrying out a any of the purposes of this Regulation.

(2) All rules made under this section shall published in the Official Gazette and on such publica shall have effect as if enacted in this Regulation.

34. [26.] Whoever contravenes any of the pr sions of this Regulation or of any rule made thereur shall if no other penalty is elsewhere provided in Regulation for such contravention, be punishable v fine which may extend to one hundred rupees, and in event of such person having been previously convicte an offence under this Regulation or any rule made th under with fine which may extend to two hundred rup

35. [27.] The Government may, subject to approval of the Legislative Council by a resolu recorded in this behalf alter, add to or cancel any or all of the Schedules II A to IV B of this Regulation and such alteration, addition or cancellation when published in the Official Gazette, shall have the force of law and all references in this Regulation to any of the aforesaid Schedules shall be construed as referring to such Schedules as are for the time being amended in exercise of the power conferred by this section.

36. [28.] No court inferior to that of a Second Class Magistrate shall try any offence punishable under this Regulation or the rules made thereunder, except offences punishable under Part IV of this Regulation or under rules made in respect of matters under the said part.

SCHEDULE I.

Section 3.

Year	No.	Title	Extent of repeal
1876	274	Chief Commissioner's Notification No. 274 of 1876.	The whole
1926	III	The Mysore District Boards Regulation.	Section 66 and Schedule III.

SCHEDULE II [IV] A.

The Vehicle Tax.—(Section) 8 [6] (a)).

	Class of Vehicles	*Annual Tax* Rs.
	Motor Cycles	
2	Motor cars, constructed or adapted to carry in all not more than seven persons including the driver—	
	(*a*) Weighing not more than 15 cwts., unladen ...	30
	(*b*) Weighing more than 15 cwts, unladen	40
3	Motor cars constructed or adapted to carry eight persons or more including the driver	60
4	For heavy motor cars, *i.e.*, motor cars exceeding two tons in weight, unladen	100
5	*Motor Lorries used solely for purposes of agriculture* ...	60

Privileges and Exemptions.

The vehicle shall be exempt from all municipal tolls.

[*Privileges and exemptions which a vehicle is entitled to and the conditions and limitations therefor.*

[1. The vehicle shall be exempt from Municipal tolls either of the Municipal Council within the limits of which the owner resides or of that in the limits of which he carries on business in respect of which the vehicle is used, at his option, which shall be exercised at the time of the payment of the tax.

[A vehicle kept outside the limits of any municipality shall be free from the tolls of the municipality nearest the place of residence of the owner or his principal place of business, as the case may be, provided that such municipality is within a radius of five miles from such place. If the place is equidistant from two municipalities, the vehicle shall be free from tolls at the municipality elected and declared by the owner at the time of the payment of the tax, provided that the declaration made shall not be, subject to variation during the year.

[2. The vehicle shall continue to have all the privileges and exemptions to which it was entitled on payment of the Municipal Vehicle Tax, both in the municipality in which such tax is payable and in other municipalities under any reciprocal arrangements that may have been in force at the commencement of this Regulation.

[3. The exemption from tolls specified above shall apply only at the ordinary toll-gates and shall not apply to *ad-hoc* toll-gates established on a newly constructed public road for the recovery of the amount expended upon such public road and the bridge or causeway, if any, over which it may lie.]

SCHEDULE [III] IV-[A]

Section 20. [17].

Rate of fee for composition of tolls on Motor Vehicles.

	Fees per quarter		
	For vehicles fitted with pneumatic tyres on all wheels		For other vehicles
	Rs. a. p.		Rs. a. p.
1. *Motor cycles-*			
a) Motor cycles with two wheels ...	7 8 0		10 0 0
b) Ditto, if used for drawing a trailer or side car	10 0 0		12 8 0
c) Motor cycles with three wheels ...	10 0 0		12 8 0
2. *Motor cars and motor cabs.*			
a) Weighing not more than 15 cwts., unladen	17 8 0		25 0 0
b) Weighing more than 15 cwts. but not more than 30 cwts, unladen ...	25 0 0		37 8 0
c) Weighing more than 30 cwts. but not more than 45 cwts, unladen ...	32 8 0		50 0 0
d) Weighing more than 45 cwts. but not more than 60 cwts, unladen ...	40 0 0		60 0 0
e) Weighing more than 60 cwts., unladen	50 0 0		75 0 0
f) Additional fee payable in respect of such vehicles when used for drawing trailers—			
(i) For each trailer not exceeding 1 ton in weight, unladen ...	10 0 0		15 0 0
(ii) For each trailer exceeding one ton in weight, unladen	20 0 0		30 0 0
Provided that two or more vehicles shall not be chargeable under this class in respect of the same trailer.			

SCHEDULE IV B.

(Section 21).

Rate of fee for composition in respect of a single toll bar for certain vehicles.

Class of vehicle	*Amount of annual fee*
	Rs. a. p.
Motor cycles	*15 0 0*
Motor cars weighing not more than 30 cwt. in weight unladen and not constructed or adapted to carry more than seven persons including the driver ...	*30 0 0*
Motor buses	*20 0 0*
Carts drawn by a single bullock or two bullocks ...	*7 8 0*

SCHEDULE II [IV] B.

Road Tax.—(Section 8 [6] (b.))

Class of Vehicles	Quarterly tax	
	Vehicles fitted with pneumatic tyres on all wheels	Other Vehicles
	Rs. a. p.	
1. Motor lorries *without trailers* not let or plied for hire or reward :		
(*a*) Not exceeding 15 cwt. in weight, unladen	30 0 0	45
(*b*) Exceeding 15 cwt. but not exceeding 25 cwt. in weight, unladen...	50 0 0	70
(*c*) Exceeding 25 cwt. but not exceeding 30 cwt. in weight, unladen...	70 0 0	90
(*d*) Exceeding 30 cwt. but not exceeding 35 cwt. in weight, unladen...	90 0 0	115
(*e*) Exceeding 35 cwt. but not exceeding 50 cwt, in weight, unladen...	112 8 0	150
(*f*) Exceeding 50 cwt. but not exceeding 70 cwt. in weight, unladen...	150 0 0	185
(*g*) Exceeding 70 cwt. but not exceeding 100 cwt. in weight, unladen.	175 0 0	225
(h) *Exceeding 100 cwt. in weight unladen*	250 0 0	*300*
(*j*) [(*h*)] Additional tax payable in respect of such vehicles when used for drawing trailers :		
(i) For each trailer not exceeding 1 ton in weight, unladen ...	60 0 0	85
(ii) For each trailer exceeding 1 ton in weight, unladen ...	125 0 0	150
Provided that two or more vehicles shall not be chargeable under this clause in respect of the same trailer.		
Motor lorries let or plied for hire or reward *and used for the carriage or haulage of goods only.*	One and half times the rate prescribed for each respective class of vehicle under 1 above.	

Classes of Vehicles	Quarterly tax	
	Vehicles fitted with pneumatic tyres on all wheels	Other vehicles
Motor lorries let or plied for hire or reward and used for the carriage or haulage of goods and passengers.	(a) *a tax as on a motor lorry under item (2) above, having a weight which bears to the unladen weight of the vehicle the same proportion as the floor area set apart for the carriage of goods bears to the total floor area of the vehicle, together with,* (b) *a service tax calculated at the rate specified in schedule II C for every passenger which the vehicle is licensed to carry, and* (c) *a mileage cess as on motor buses under schedule II D.*	

Explanation.—*Goods in items 2 and 3 above do not include light personal effects of passengers.*

Provisos.—

1. (a) *Motor Lorries not let or plied for hire or reward shall be exempt from tolls other than those levied by a municipal council in the area in which they have the permit for working in accordance with sub-section (3) of Section 23.*

(b) *While working outside the said area on special permits they are liable to both Government and municipal tolls.*

(c) *Such motor lorry shall be exempt from all municipal tolls either of the municipal council within the limits of which the owner resides or of that in the limits of which he carries on business in respect of which the vehicle is used, at his option which shall be exercised at the time of the payment of the tax.*

Such motor lorry kept outside the limits of any municipality shall be free from the tolls of the municipality nearest the place of residence of the owner or his principal place of business, as the case may be, provided that such municipality is within a radius of five miles from such place. If the place is equidistant from two municipalities, such motor lorry shall be free from tolls at the municipality elected and declared by the owner at the time of the payment of the tax, provided that the declaration made shall not be subject to variation during the year.

2. *Motor lorries let or plied for hire or reward shall be exempt from tolls other than those levied by a municipal council in the area in which they have the permit provided that, on roads which the Board may declare as competing with the Railways in respect of traffic, they may be subject to the payment of tolls.*

3. *The provisos to Schedule II C and II D will also be applicable to the cases of vehicles under item 3 above.*"

[1. (*a*) Lorries other than those let or plied for hire shall be exempt from tolls other than those levied by a Municipal Council in the area in which they have the permit for working in accordance with sub-section (3) of section 19.

[(*b*) While working outside the said area on special permits, they are liable to both Government and Municipal tolls.

[(*c*) They shall further be entitled to the privileges and exemptions specified in Schedule IV A.]

[2. Lorries let or plied for hire or reward shall be exempt from tolls other than those levied by a Municipal Council in the area in which they have the permit provided that, on roads which the Board may declare as competing with the Railways in respect of traffic, they may be subject to the payment of tolls.]

SCHEDULE II [IV] C.

Service Tax.—(Section 8 [6] (c)).

Class of vehicles	Quarterly tax	
	Vehicles fitted with pneumatic tyres on all wheels	Other vehicles
	Rs. a. p.	Rs. a. p.
I. *Motor cabs other than (3) below*		
(*a*) *licensed to carry in all not more than four persons,*	*30 0 0*	*45 0 0*
(*b*) *licensed to carry more than four persons, for every person whom the vehicle is so licensed to carry.*	7 8 0	11 4 0
Motor buses other than (3) below		
for every person whom the vehicle is licensed to carry		
a) on routes graded as class I by the Board,	7 8 0	
b) on routes graded as class II by the Board.	6 0 0	
Motor cabs and motor buses used for hire for a strictly limited purpose.	25 0 0	

Class of Vehicles	Quarterly tax	
	Vehicles fitted with pneumatic tyres on all wheels	Other Vehicles
[1. Motor cabs and motor buses other than (2) below :—		
(*a*) Vehicles licensed under the Mysore Motor Vehicle Rules, to carry in all not more than four passengers.	30 0 0	45 0 0
(*b*) Vehicles licensed under the Mysore Motor Vehicles Rules to carry more than four passengers for every passenger which the vehicle is so licensed to carry.	7 8 0	11 4 0
2. Motor cabs and motor buses used for hire for a strictly limited purpose.	25 0 0	37 8 0]

Provisos.—

1. In the case of motor cabs one seat for the driver and in the case of motor buses two seats, one for the driver and one for the conductor, shall not be taken to account for purposes of calculating this tax.

2. A motor vehicle is said to be [let] *used* for hire for a limited purpose when it satisfies the following conditions :—

(*a*) The vehicle is owned by a public institution like a hotel or school.

(*b*) It is used exclusively for the business of such institution that is, for the conveyance of its members, clients or, workmen.

(*c*) It is used within the limits of the Municipality in which it is kept.

(*d*) It is not available for hire by the general public.

3. " *Motor cabs and motor buses paying service tax shall be exempt from municipal tolls either of the municipal council within the limits of which the owner resides or of that in the limits of which he carries on business in respect of which the vehicle is used, at his option, which shall be exercised at the time of the payment of the tax.*

A motor cab or motor bus kept outside the limits of any municipality shall be free from the tolls of the municipality nearest the place of residence of the owner or his principal place of business, as the case may be, provided that such municipality is within a radius of five miles from such place. If the place is equidistant from two municipalities, the motor cab or motor bus shall be free from tolls at the municipality elected and declared by the owner at the time of the payment of the tax, provided that the declaration made shall not be subject to variation during the year.

[Motor cabs and motor buses paying the service tax shall further be entitled to the privileges and exemptions specified in schedule IV (*a*)].

SCHEDULE II [IV] D.

Mileage Cess.

Class of Vehicles.	*Rate of Tax.*
Motor buses—	
(a) when plying on ordinary permits as part of a regular service	Six pies per mile.
(b) when plying on special permits in other cases	Nine pies per mile.

Proviso.—

"*Buses paying the mileage cess are exempt from all tolls levied either by the Government or a municipal council except those levied at toll bars established on any road or bridge specified in Schedule V or a road or bridge constructed after the coming into force of this Regulation, for the recovery of the amount expended on such road or bridge.*"

[Buses paying the mileage cess are exempt from all tolls levied either by the Government or a Municipal Council, except those levied at toll-gates established on a newly constructed public road for the recovery of the amount expended on such public road and the bridge or causeway, if any, over which it may lie.]

SCHEDULE V.

RECENTLY CONSTRUCTED ROADS AND BRIDGES.

(Section 20).

(i)	*The road and bridge over* ..	*the Cauvery at T.-Narasipur.*
(ii)	*Do*	*the Cauvery at Krishnarajasagara.*
(iii)	*Do*	*the Hemavati at Akki-Hebbal*
(iv)	*Do*	*the Hemavati at Gorur.*

DRAFT REPORT OF THE SELECT COMMITTEE ON THE MYSORE ROAD TRAFFIC AND TAXES BILL.

We, the undersigned members of the Select Committee to which the Mysore Road Traffic and Taxes Bill was referred, have considered the Bill at our meetings held on the 26th and 27th February 1935 and on the 8th, 9th, 13th and 14th March 1935 and have now the honour to submit this our report together with a copy of the Bill as amended by us.

2. *Clause 2 (7).* The definition of "motor lorry" as in the Bill would include small trailers used for carrying the personal luggage of private motor car owners. It is the opinion of the Committee that they should be excluded from the definition of "lorries" and not be subject to a heavy road tax. We have therefore added the following words at the end of the definition of "motor lorry":—

"but does not include a trailer when drawn by a motor car constructed or adapted solely for the carriage of not more than seven persons including the driver and used for the carriage of their effects."

3. *Clause 4* (2).—As we consider that it will be useful to have a representative of local bodies on the Traffic Board, we have added the words "a representative of the local authorities in the State and" after the word "include" in clause 4 (2).

4. *Clause 5 sub-clauses (1) to (4).*—We have split up sub-clause (4) of clause 5 into two sub-clauses and rearranged sub-clauses (1) to (4).

Sub-clause (1) will be :—

"The Government may by notification invest the Board either absolutely or subject to conditions with such powers as may be necessary for the purposes mentioned in sub-section (1) of section 4."

Sub-clauses (1), (2) and (3) will be renumbered (2), (3), and (4).

A new sub-clause as follows will be added as sub-clause (5).

The Government may prescribe the mode in which the Board shall conduct its business."

5. *Sub-clause (5) of clause 5 of the Bill.*—(1) The provision regarding holding of enquiries by the Traffic Board may come in as a separate section and we have accordingly numbered sub-clause (5) of clause 5 of the Bill as clause 6.

(2) For facilitating an enquiry, the Board should have power to summon witnesses and documents. We have accordingly redrafted sub-clause (5) (a) of clause 5 of the Bill as follows :—

"6. (1) The Board may hold an inquiry or direct inquiry to be made in regard to any accident arising out of the presence of a motor vehicle on a public road whereby damage or injury has been caused to person or property, and the Government may invest, by rules, the Board or such person as may be authorised by the Board in this ıalf with such powers as may be necessary for the hold- of such inquiry and for summoning and enforcing the ɛndance of witnesses and compelling the production of ıuments, and prescribe the procedure to the followed at h inquiry."

6. We are of opinion that it is necessary and useful to ·e advisory committees in each district to advise the ıffic Board on traffic and other connected matters in district. We have accordingly inserted the following v clause as clause 7 regarding the constitution of ıtrict Traffic Advisory Committees.

"7. (1) The Government may constitute an ·isory committee for each district designated the ıtrict Traffic Advisory Committee consisting of the ɔuty Commissioner who shall be chairman and such er members including the President of the District ırd as may be appointed by the Government fro- e to time.

(2) It shall be the duty of the District Traf ·isory Committee—

(i) to consider, report to and advise the Board any matter relating to traffic within t district;

(ii) to make representations to the Board wi respect to any matter connected with t transport services and facilities in the distri which are in the opinion of the committee

(iii) to consider, report to and advise the Board on any other matters which are referred to them by the Board."

7. *Clause 6 of the Bill.*—(1) We have added the ords "used or" between the words "vehicles" and kept for use" in order to make it clear that liability to ıxation arises from the use of public roads in Mysore.

(2) Since under clause 21 of the Bill motor vehicles sed solely for purposes of agriculture are exempted from l taxes except vehicle tax and since we are of opinion ıat lorries used for such purposes should be subject to a :hicle tax, we have inserted the words "and motor lorries sed solely for purposes of agriculture" after the words motor cars" in item (*a*), deleting the word "and" between motor cycles" and "motor cars."

8. *Clause 7 of the Bill.*—(1) In sub-clause (2) we ave substituted the words "by the registered owner or ıe person having possession or control of the motor :hicle" for the words "by the person who keeps a motor :hicle for use," so that the wording may be uniform ith sub-clause (1) of clause 7 and clauses 8 and 9 of the ill.

(2) Sub-clause (3) has been re-drafted as follows:—

"Taxes other than the vehicle tax shall be payable ır the quarter and in advance. The taxes due for two or ıore consecutive quarters of the same year may be paid ı advance."

9. *Clause 12 of the Bill.*—Some of the members of ıe committee considered that a specific provision exemping bullock carts from tolls should be incorporated in ause 12. The majority of the committee were of the inion that it was not desirable to embody in the Regution an exemption in respect of one category of vehicles ıd that as the existing exemptions in respect of bullock ırts have been granted by executive orders of the overnment, these exemptions may be continued by the overnment under the powers vested in them by clause 3 of the Bill. Further these carts are at present ıbject to the levy of tolls at the District Fund toll gates f certain districts and the statutory exemption of all ullock carts from the payment of tolls would raise ifficulties in the matter of the amount of compensation payable to District Boards for loss of toll revenue.

10. *Clause 13 of the Bill.*—It is considered desirable that before deciding to establish a new toll bar on a road

maintained by the District Board or to abolish an existing toll bar on such road the District Board should be given an opportunity of expressing its view. We have therefore added the following proviso to this clause.

"Provided that when it is proposed to establish a new toll bar on a road maintained by a District Board or to abolish an existing toll bar on such a road such District Board shall be given an opportunity of expressing its opinion on the proposal, before a decision is come to."

11. The payment of toll is sometimes evaded by leaving the road on which a toll bar has been located and passing over land adjacent to the toll bar. In order to prevent such evasion, we consider it desirable to prohibit vehicles or animals from passing over land within a radius of two furlongs from the toll bar without payment of toll. We have therefore added a clause as follows after clause 14 of the Bill. This is in accordance with section 109 of the Madras Local Boards Act (1920).

"No person shall with intent to evade payment of toll cause a vehicle or animal to leave a road on which a toll bar has been placed and pass over any land within a quarter of a mile therefrom, such land not being either a public road or land of which such person is the owner or occupier."

Evasion of payment of tolls.

12. *Clause* 17 (1) *of the Bill.*—The words "newly constructed" in this clause are not sufficiently definite. The intention is that the composition of tolls under this clause will apply only to the ordinary toll bars and will not cover tolls leviable at *ad hoc* toll bars established on recently constructed public roads and bridges for the recovery of the amount expended upon them. It is the opinion of the Committee that such tolls not covered by the composition fee under this clause should be limited to those levied at the toll bars on the Hemavati bridge at Akkihebbal, on the Cauvery bridge at T. Narasipur, on the Hemavati bridge at Gorur and on the Krishnarajasagara Dam and to those that may be established hereafter over roads or bridges constructed after the coming into force of this Regulation. We have therefore substituted for the words "on a road newly constructed" in clause 17 (1), the following words:—

"on any road or bridge specified in Schedule V or a road or bridge constructed after the coming into force of this Regulation."

(2) We have added the words "or bridges" after the words "upon such road."

(3) We have added another schedule as follows :—

"SCHEDULE V.

RECENTLY CONSTRUCTED ROADS AND BRIDGES.

(*Section* 20).

(i) The road and bridge over the Cauvery at T. Narsipur.

(ii) The road and bridge over the Cauvery at Krishnarajasagara.

(iii) The road and bridge over the Hemavati at Gorur.

(iv) The road and bridge over the Hemavati at Akkihebbal."

13. (1) The Committee are of opinion that facilities for composition of tolls leviable at any one toll bar may be given in respect of motor cycles, motor cars, motor buses and bullock carts not laden with timber. We do not propose to allow such composition in respect of frontier toll bars and would limit such composition for each vehicle to any one toll bar. We have therefore added a clause as follows after present clause 17.—

Composition of tolls in respect of single toll bars.

21. Subject to such conditions as may be prescribed by the Government in this behalf, any person may, in respect of any of the following vehicles belonging to him, namely, (*a*) a motor cycle or (*b*) a motor car not exceeding 30 cwt. in weight unladen and constructed or adapted for the carriage of not more than seven persons including the driver or (*c*) a motor bus or (*d*) a cart drawn by a single bullock or two bullocks, pay in lieu of all tolls payable at any one toll bar established under this Regulation other than a frontier toll bar an annual composition fee at rates not exceeding the maxima specified in schedule IV (B).

Provided that such composition under this section shall not—

(i) be allowed in respect of more than one toll bar for any such motor cycle, motor car, motor bus, or cart ; and

(ii) exempt such cart from tolls when laden with timber."

(*d*) In Item 8 of A, we have deleted the words "fuel, bamboos, or stone."

(*e*) *Item 5 of B.*—We consider that tricycles and bicycles need not be made liable to toll. We have therefore substituted the word "excluding" for "including" in this item.

(*f*) *Item 16 of B.*—We have deleted the words "fuel, bamboos or stone," imposing toll at this rate only on carts laden with timber.

(*g*) We have deleted items 11 & 12 of C.

(*h*) We have re-drafted the provisos herein as follows:—

(1) "Double the rate of tolls prescribed above may be levied in the case of carts referred to in items 6, 8, 10 12 and 14 of B, if laden and entering the State at a frontier toll bar.

(2) Double the rate of tolls prescribed above may be levied in the case of carts referred to in items 6, 8, 10, 12 and 14 of B when such carts are laden with timber.

3) The Government may prescribe lower rates of tolls than those prescribed in this schedule on carts fitted with tyres over $2\frac{1}{2}$ inches in width or with pneumatic tyres."

19. *Schedule III of the Bill.*—(1) This is re-numbered as Schedule IV A.

(2) In regard to new section 21 which we have inserted, we add the following new schedule:—

"SCHEDULE IV B. (*Section 21*).

Rate of fee for composition in respect of a single toll bar for certain vehicles.

Class of vehicle	*Amount of annual fe*		
	Rs.	a.	p
(*a*) Motor cycles	15	0	0
(*b*) Motor cars weighing not more than 30 cwt. in weight unladen and not constructed or adapted to carry more than seven persons including the driver.	30	0	0
(*c*) Motor buses	200	0	0
(*d*) Carts drawn by a single bullock or two bullocks ..	7	8	0"

20. *Schedule IV A of the Bill.*—(1) This is re-umbered as Schedule II A.

"27. The proceeds of the Road Fund after deducting e charges under section 26 shall be used on the nstruction and maintenance of roads and bridges in ysore.

"28 The Board shall administer the Road Fund bject to the control of the Government in such manner may be ordered by the Government from time to me."

15. (1) *Clause* 21 *of the Bill.*—In the explanation this clause, we have added the words "along a public ad" after the word "produce" and the words "and ction 8" after the words "this section."

(2) Some of the members suggested that only a otor vehicle for hire used for transport of agricultural oduce should not be deemed to be used solely for the rposes of agriculture. The majority were of the inion that the explanation to this clause may stand as is.

16. *Clause* 24 *of the Bill.*—(1) We have added the ords "after consulting the District Board or Municipal ouncil concerned" after the words "a sum determined the Government" in sub-clause (1).

(2) *Sub-clause* (3).—The Committee are of the inion that there should be periodical revisions of the nounts payable to the local authorities. We have erefore re-drafted sub-clause (3) as follows:—

"At the end of three years from the commencement of this Regulation, the Government may, after nsulting the District Board or Municipal Council ncerned, prescribe the manner in which and the periods r which the amount payable thereafter to such District oard or Municipal Council shall be paid."

17. *Clause* 25 *of the Bill.*—We are of opinion that ie condition of previous publication may be applied to ules made in respect of tolls also. We have therefore leted the words "except in respect of rules relating to atters falling under Part IV of this Regulation."

18. *Schedule II of the Bill.*—This has been renumbered as Schedule III.

(*a*) In item 2 of A, the words "four wheeled" ave been omitted.

(*b*) In item 4 of A, the words "four wheeled" ave been inserted between the words "every" and "motor bus."

(*c*) We have deleted item 6.

(2) We have added a Schedule IV B after Schedu II of the Bill indicating an annual composition fee respect of any one toll bar at the following rates :—

		Rs.	a.	p.
Motor cycles	....	15	0	0
Motor cars	....	30	0	0
Motor buses	...	200	0	0
Carts	....	7	8	0

14. We consider it necessary that all taxes, to and fees collected under this Regulation should be cre ted to a special fund called the "Road Fund" and t proceeds thereof after deducting all charges thereon a payments to be made to local authorities under clause of the Bill should be used on the construction and mai tenance of roads and bridges in Mysore. Further, it our opinion that the Traffic Board should have admini rative powers over the Road Fund, subject to the cont of the Government. Accordingly, we have inserted t following clauses as a separate part after Part V in rega to the constitution of the Road Fund.

"PART VI—ROAD FUND.

"25. All taxes, tolls and fees paid under this Regulation, the Mysore Motor Vehicles Regulation, 1928, and the Mysore Highways Regulation, 1920, shall be credited to a special fund, to be designated the Road Fund, to which fund shall also be credited such other sums as the Government may, from time to time, direct.

"26. The Road Fund will be debited under the orders of the Government with the following charges, that is to say,

(1) such amount as the Government may, from time to time, determine on account of the expenses incurred in the carrying into effect of the Regulation mentioned in section 25 and the rules made thereunder,

(2) payments made to local authorities under section 32, and

(3) allotments made at the discretion of the Government for such other purposes not hereinbefore mentioned as may be consistent with or necessary for the more efficient administration of the Regulations mentioned above or the rules made thereunder.

(2) We have added the words " or bridges " after e words " upon such road."

(3) We have added another schedule as follows :—

" SCHEDULE

RECENTLY CONSTRUCTED ROADS AND BRIDGES.

(*Section* 20):

(i) The road and bridge over the Cauvery at T. Narsipur.

(ii) The road and bridge over the Cauvery at Krishnarajasagara.

(iii) The road and bridge over the Hemavati at Gorur.

(iv) The road and bridge over the Hemavati at Akkihebbal."

13. (1) The Committee are of opinion that facilities r composition of tolls leviable at any one toll bar may be ven in respect of motor cycles, motor cars, motor buses and llock carts not laden with timber. We do not propose allow such composition in respect of frontier toll bars id would limit such composition for each vehicle to any ie toll bar. We have therefore added a clause as follows ter present clause 17.—

21. Subject to such conditions as may be prescribed by the Government in this behalf, any person may, in respect of any of the following vehicles belonging to him, namely, (*a*) a motor cycle or (*b*) a motor car not exceeding 30 cwt. in weight unladen and constructed or adapted for the carriage of not more than seven persons including the driver or (*c*) a motor bus or (*d*) a cart drawn by a single bullock or two bullocks, pay in lieu of all tolls payable at any one toll bar established under this Regulation other than a frontier toll bar an annual composition fee at rates not exceeding the maxima specified in schedule IV (B).

Composition of tolls in respect of single toll bars.

Provided that such composition under this section shall not—

(i) be allowed in respect of more than one toll bar for any such motor cycle, motor car, motor bus, or cart ; and

(ii) exempt such cart from tolls when laden with timber."

(2) In pursuance of the amendment proposed in clause 6 of the Bill, we have added the following new item as item 5:—

	Annual tax. Rs.
"Motor Lorries used solely for purposes of agriculture.	60"

(3) The Committee are of opinion that on payment of the vehicle tax, a motor vehicle should be exempt from tolls at all the municipal toll bars in the State. We have therefore deleted "Privileges, etc.," and items 1 to 3 thereunder and inserted the following:—

"*Privileges and Exemptions.*—The vehicle shall be exempt from all municipal tolls."

21. *Schedule IV B of the Bill.*—(1) This has been re-numbered as Schedule II B.

(2) We have added the words "without trailers" after the words "motor-lorries" in item 1.

(3) We have added the following after item (g):—

	Rs.
"exceeding 100 cwt. in weight unladen ...	250 300

(4) Since the schedule does not cover the cases of motor lorries used for the carriage of goods and also passengers, we have made the following changes:—

The words "and used for the carriage or haulage of goods only" are added after the word "reward" in item 2.

The following is inserted as item 3:—

"3. Motor lorries let or plied for hire or reward and used for the carriage or haulage of goods and passengers—

(*a*) a tax as on a motorlorry under item (2) above, having a weight which bears to the unladen weight of the vehicle the same proportion as the floor area set apart for the carriage of goods bears to the total floor area of the vehicle, together with,

(*b*) a service tax calculated at the rate specified in schedule II C for every passenger which the vehicle is licensed to carry, and

(*c*) a mileage cess as on motor buses under Schedule II D.

Explanation.—Goods in items 2 and 3 above do not include light personal effects of passengers.

(5) We have re-drafted the provisos as follows :—

"1. (*a*) Motor lorries not let or plied for hire or reward shall be exempt from tolls other than those levied by a municipal council in the area in which they have the permit for working in accordance with sub-section (3) of section 23.

(*b*) While working outside the said area on special permits, they are liable to both Government and municipal tolls.

(*c*) Such motor lorry shall be exempt from all municipal tolls either of the municipal council within the limits of which the owner resides or of that in the limits of which he carries on business in respect of which the vehicle is used at his option, which shall be exercised at the time of the payment of the tax.

Such motor lorry kept outside the limits of any municipality shall be free from the tolls of the municipality nearest the place of residence of the owner or his principal place of business, as the case may be, provided that such municipality is within a radius of five miles from such place. If the place is equidistant from two municipalities, such motor lorry shall be free from tolls at the municipality elected and declared by the owner at the time of the payment of the tax, provided that the declaration made shall not be subject to variation during the year.

"(2) Motor lorries let or plied for hire shall be exempt from tolls other than those levied by a municipal council in the area in which they have the permit provided that, on roads which the Board may declare as competing with the Railways in respect of traffic, they may be subject to the payment of tolls.

"(3) The provisos to Schedule II C and II D will also be applicable to the cases of vehicles under item 1 above."

22. *Schedule IV C of the Bill.*—(1) We have re numbered this as Schedule II C.

(2). It was suggested by some members that the service tax on motor buses may generally be reduced to Rs. 6 per seat but this was not agreed to by the majority of the Committee. We consider that some concession may be shown in respect of short service buses in rural areas.

We have therefore substituted the following items for those in the schedule :—

	Rs.	a.	Rs.	a.
"1. Motor cabs other than (3) below"				
(*a*) licensed to carry in all not more than four persons, ...	30	0	45	0
(*b*) licensed to carry more than four persons, for every person which the vehicle is so licensed to carry, ...	7	8	11	4
2. Motor buses other than (3) below for every person whom the vehicle is licensed to carry				
(*a*) on routes graded as class I by the Board	7	8	11	4
(*b*) on routes graded as class II by the Board	6	0	9	0
3. Motor cabs and motor buses used for hire for a strictly limited purpose ...	25	0	37	8"

(3) We have re-drafted proviso 3 as follows :—

"Motor cabs and motor buses paying service tax shall be exempt from municipal tolls either of the municipal council within the limits of which the owner resides or of that in the limits of which he carries on business in respect of which the vehicle is used, at his option, which shall be exercised at the time of the payment of the tax.

"A motor cab or motor bus kept outside the limits of any municipality shall be free from the tolls of the municipality nearest the place of residence of the owner or his principal place of business, as the case may be, provided that such municipality is within a radius of five miles from such place. If the place is equidistant from two municipalities, the motor cab or motor bus shall be free from tolls at the municipality elected and declared by the owner at the time of the payment of the tax, provided that the declaration made shall not be subject to variation during the year."

23. *Schedule IV D of the Bill* :—(1) We have renumbered this as Schedule II D. Some members were of the opinion that the mileage cess should be fixed at so much per seat per mile and not fixed at six pies per mile irrespective of the seating capacity. After examining the several proposals, the majority of the committee decided to retain the rate as in the schedule.

(2) We have re-drafted the proviso as follows :—

"Motor buses paying the mileage cess are exempt from all tolls levied either by the Government or a municipal council

except those levied at toll bars established on any road o bridge specified in Schedule V or a road or bridge construc ted after the coming into force of this Regulation, for th recovery of the amount expended on such road or bridge.

24. In respect of the clause 17 of the Bill as amended we have inserted the following as Schedule V.

SCHEDULE V.

RECENTLY CONSTRUCTED ROADS AND BRIDGES.

(*Section* 20).

T. Narasimhan

(i)	The road and bridge over	the Cauvery at ~~Sosale~~.
(ii)	do	the Cauvery at Krishnarajasagara.
(iii)	do	the Hemavati at Gorur.
(iv)	do	the Hemavathi at Akki-Hebbal

25. We have made certain verbal changes which are ndicated in the Bill as annexed hereto.

26. As there have been a large number of amendnents, we consider that republication of the Bill is necessary.

BILL AS AMENDED BY THE SELECT COMMITTEE.

N.B.—Portions added by the Select Committee are indicated in and portions deleted by them are enclosed in square brackets.

NOTIFICATION.

The Mysore Road Traffic and Taxes Bill.

Whereas it is expedient to make further provisio: or the regulation of traffic on roads and to provide fo he levy of certain taxes on motor vehicles ;

And whereas it is expedient to amend the law relatin o tolls ;

It is hereby enacted as follows :—

PART I—PRELIMINARY.

Short title.

1. (1) This Regulation may be called the Mysore Road Traffic and Taxes Regulation, 193

(2) It extends to the whole of Mysore.

(3) It shall come into force on such date as the Government may, by notification in the Official Gazette, direct.

2. In this Regulation, unless there is anything repugnant in the subject or context,—

(1) "the Board" means the Traffic Board constituted under this Regulation;

(2) "licensing officer" means an officer appointed by the Government to exercise the powers and perform the functions of a licensing officer under this Regulation;

(3) "motor bus" means a public service motor vehicle which is used for the carriage of persons and has seating accommodation for eight or more persons inclusive of the driver;

(4) "motor cab" means a public service motor vehicle used for the carriage of persons, other than a motor bus;

(5) "motor car" means a motor vehicle which is not a public service motor vehicle or a motor cycle or a motor lorry;

(6) "motor cycle" means a motor vehicle without a carriage body running on not more than three wheels and weighing not more than eight hundred-weights unladen and includes an auto-wheel and a motor scooter;

(7) "motor lorry" means a motor vehicle which is ordinarily used for the carriage or haulage of goods or goods and passengers and includes a trailer when so used, *but does not include a trailer when drawn by a motor car constructed or adapted solely for the carriage of not more than seven persons including the driver and used for the carriage of their effects*;

(8) "motor vehicle" has the same meaning as in the Mysore Motor Vehicles Regulation, 1928;

(9) "prescribed" means prescribed by rules made under this Regulation;

(10) "private motor vehicle" means any motor vehicle which is not a public service motor vehicle;

(11) "public road" means any street, road, pathway, square, court, alley, passage or riding path over which the public have a right of way, whether a thoroughfare or not and includes the road-way over any public bridge or causeway;

(12) "public service motor vehicle" means a motor vehicle which is let or plied for hire or reward;

(13) "registered owner" means the person in whose name a motor vehicle or trailer is registered under the Mysore Motor Vehicles Regulation, 1928;

(14) "side car" means a wheeled carrier attached to a motor vehicle which motor vehicle rests on not more than two wheels;

(15) "tax" includes a tax, cess or fee imposed under this Regulation or rules thereunder;

(16) "trailer" means any vehicle other tha side car drawn or propelled or intended to be drawn or propelled by a motor vehicle;

(17) "unladen weight" in relation to a motor vehicle or trailer means the weight of the vehicle or trailer including all parts and equipment which are necessary for and ordinarily used with the vehicle or trailer when working. Where alternative parts or bodies are used, the heaviest part or body shall be taken into account for the purpose of calculating the unladen weight; and

(18) "year" means the financial year, "half-year" means the first six months or the second six months of such year and "quarter" means the first three months or the second three months of such half-year.

3. The enactments mentioned in Schedule I are hereby repealed to the extent and in the manner specified in the fourth column thereof.

Provided that (*a*) the said repeal shall not affect the validity of anything done or the liability of any person to pay any sum due from him under the enactments hereby repealed, (*b*) any appointment, notification, notice, order, license, permission, rule, form, tax, fee, cess or rate, made, issued, given or imposed, toll bars established, contracts entered into and suits and other proceedings instituted under enactments hereby repealed, shall, so far as may be be deemed to have been made, issued, given, imposed established, entered into and instituted under thi Regulation.

PART II—ADMINISTRATIVE.

4. (1) For the purpose of carrying out the provisions of this Regulation, the Mysore Motor Vehicles Regulation, 1928, and the Mysore Highways Regulation, 1920, and the rules made under them, the Government may appoint, subject to the conditions hereinafter provided

persons, official and non-official, residing within Mysore, to constitute a Traffic Board.

(2) The Board shall, subject to such exceptions and conditions as the Government may from time to time make and impose, include *a representative of the local authorities in the State, and* representatives of the owners of private motor vehicles, the users and proprietors of public service motor vehicles and persons having interests in agriculture, trade or commerce in Mysore. The composition of the Traffic Board.

(3) The manner and mode of selecting such representatives shall be in accordance with rules prescribed in this behalf.

(4) The Government may appoint one of the members of the Board as its Chairman and an officer in the service of the Government who may or may not be a member of the Board as its Secretary.

(5) The Chairman and the members of the Board shall hold office for the prescribed period, provided that the Government may by order at any time remove any member and on such removal his seat on the Board shall become vacant.

(6) Casual or other vacancies in the Board shall be filled up by the Government in accordance with rules prescribed in this behalf.

5. (1) *The Government may by notification invest the Board either absolutely or subject to conditions with such powers as may be necessary for the purposes mentioned in sub-section* (1) *of section* 4. The duties and powers of the Board.

(2) [(1)] It shall be the general duty of the Board so to exercise its powers as to secure the provision of an adequate and properly co-ordinated system of public service motor transport and for that purpose, while avoiding the provision of unnecessary and wasteful competitive services, to take from time to time such steps as it considers necessary for extending and improving the facilities for such transport in such manner as to provide most efficiently and conveniently for the needs thereof.

(3) [(2)] Subject to such rules as may be prescribed, the Board shall control the number and distribution of public service motor vehicles and for this purpose shall, in particular, perform the following duties, that is to say:

(*a*) From time to time, it shall fix the routes on which public service motor vehicles may be permitted to ply;

(*b*) It shall from time to time determine th number of licenses and permits to be grante for each route and for this purpose shall b guided by the considerations setforth below

(*c*) It shall generally supervise the regulation an control of public service motor vehicles.

(4) [(3)] When determining the number of license and permits to be allowed for each of the routes under sub section (3) (b), the Board shall be guided by the followin considerations, that is to say :

(*a*) the suitability and capacity of the road or roa or portions thereof covered by every propose route for the carriage of public service moto vehicles ;

(*b*) the extent, if any, to which the needs of th proposed routes or any of them are alread adequately served :

(*c*) the extent to which the proposed service necessary or desirable in the public interest ;

(*d*) the needs of the area as a whole in relation traffic (including the provision of adequat suitable and efficient services, the eliminatio of unnecessary services and the provision unremunerative services) ; and

(*e*) the co-ordination of all forms of transport i cluding transport by rail.

[(4)] [The Government may by notification inve the Board either absolutely or subject to conditions wi such powers as may be necessary for the purpos mentioned in sub-section (1) of section 4, and]

(5) *The Government* may prescribe the mode which the Board shall conduct its business.

6. (1) [(5)(*a*)] The Board may hold an inquiry or dire inquiry to be made in regard to any accident arising o of the presence of a motor vehicle on a public road where damage or injury has been caused to [any] person, [vehicl or *property* [animal,] and the Government may invest, b rules, the Board or such person as may be authorised b the Board in this behalf with such powers as may b necessary for the holding of such inquiry *and for summo ing and enforcing the attendance of witnesses and compe ling the production of documents*, and prescribe the proc dure to be followed at such inquiry.

(2) Nothing in this [sub] section shall be constru any way affecting, amending or modifying th

provision of any other enactment relating to the holding of inquiries into such accidents by the Police or any other authority.

(3) Any report made by or to the Board as the result of an inquiry under this section shall not be used in evidence by or on behalf of any person by or against whom any legal proceedings are instituted in consequence of the accident to which the inquiry relates.

District Traffic Advisory Committee.

"7. *(1) The Government may constitute an advisory committee for each district designated the District Traffic Advisory Committee consisting of the Deputy Commissioner who shall be Chairman and such other members including the President of the District Board as may be appointed by the Government from time to time.*

(2) It shall be the duty of the District Traffic Advisory Committee—

(i) to consider, report to and advise the Board on any matter relating to traffic within the district;

(ii) to make representations to the Board with respect to any matter connected with the transport services and facilities in the district which are in the opinion of the committee to be considered by the Board; and

(iii) to consider, report to and advise the Board on any other matters which are referred to them by the Board."

PART III—TAXATION.

Imposition of taxes on motor vehicles

8. [6.] The Government may, by notification in the Official Gazette, from time to time direct the levy of any or all of the following taxes on motor vehicles *used or* kept for use in Mysore at rates not exceeding those prescribed in Schedule II [IV] (A) to (D) and subject to the privileges, conditions, exemptions and limitations specified therein, that is to say—

(*a*) a vehicle tax on motor cycles, [and] motor cars *and* motor *lorries used solely for purposes of agriculture*,

(*b*) a road tax on motor lorries,

(*c*) a service tax on public service motor vehicles used for carrying passengers, and

(*d*) a mileage cess on motor buses.

Payment of tax and issue of license.

9. [7.] (1) Upon the issue of a notification under section 8, [6] no motor vehicle shall be used on any public

road in Mysore unless the registered owner or the person having possession or control thereof has obtained a license under sub-section (6) in respect of the vehicle.

'2) The vehicle tax imposed under section 8 [6] shall be payable for the year and in advance by *the registered owner or* the person [who keeps] *having possession or control of the* [a] motor vehicle [for use].

Provided that the Government may by notification allow [half-yearly period] payment of the tax *for half-yearly periods* at the rate of half the tax payable for the year.

(3) Taxes other than the vehicle tax shall be payable for the quarter and in advance [by the person who keeps a motor vehicle for use]. [Such person may pay in advance.] The taxes due for two or more consecutive quarters *of* [in] the same year *may be paid in advance.*

(4) Where a tax other than a vehicle tax for any motor vehicle has been paid for any quarter and the vehicle has not been used during the whole of that quarter or a continuous part thereof, not being less than one calendar month, a refund of the tax at such rates as may from time to time be notified by the Government shall be payable subject to such conditions as may be specified in such notification.

(5) Notwithstanding anything contained in sub-section (1), no person shall be liable to tax during any period on account of any taxable motor vehicle, the tax due in respect of which for the same period has already been paid by some other person.

(6) When any person pays the amount of tax due in respect of any taxable motor vehicle in Mysore or proves to the satisfaction of the licensing officer that no tax is payable in respect of any motor vehicle, the licensing officer shall—

(i) grant to such person a license, in such form may be notified by the Government, to use the vehicle public roads in Mysore for the period or periods concerne and

(ii) record that the tax has been paid for a specified period or periods or that no tax is payable in respect of the vehicle as the case may be in the certificate of registration granted or renewed in respect of the vehicle under the rules made by the Government under the Mysore Motor Vehicles Regulation, 1928, or in the case of vehicles not registered under the said rules in a certificate in such form as may be notified by the Government.

Provided that the Government may exempt from the provision of this sub-section any person who has been exempted from the payment of tax in respect of any motor vehicle and prescribe the manner in which such exemption from payment of tax is to be indicated.

Carriage of license on vehicle.

10. [8] (1) The license granted in respect of a motor vehicle under sub-section (6) of section 9 [7] shall be exhibited upon the vehicle in such manner as may be notified by the Government and if such a license is not so carried upon such vehicle the registered owner or the person having possession or control thereof shall be punishable with fine which may extend to fifty rupees.

(2) The person in charge of any motor vehicle on any public road shall cause the vehicle to stop and to remain stationary so long as may reasonably be necessary when required to do so by any officer under the control of the Board empowered in this behalf by the Government or any police officer in uniform who is not below the rank of Sub-Inspector or who being below such rank is empowered in this behalf by the Inspector-General of Police or the District Magistrate for the purpose of satisfying himself that a license has been obtained in respect of such vehicle for the period then current.

(3) Any person failing to stop a motor vehicle when required to do so by a Police Officer or any other officer empowered under sub-section (2) shall be punishable with fine which may extend to fifty rupees.

Penalty for failure to pay tax.

11. [9] If a tax due in respect of any motor vehicle has not been paid, the registered owner or the person having possession or control thereof shall be punishable with fine which may extend to fifty rupees; and the amount of the tax due by him in respect of such vehicle shall also be recovered as if it were a fine.

Recovery of tax as an arrear of land revenue.

12. [10]. Any tax under this Regulation may also be recovered in the same manner as an arrear of land revenue. The motor vehicle in respect of which the tax is due or its accessories may be distrained or sold in pursuance of this section, whether such vehicle or accessories be or be not in the possession or control of the person liable to pay the tax.

Exemption.

13. [11]. The Government may by notification in the Official Gazette make an exemption, reduction in the rate or other modification in regard to a tax payable—

(i) by any person or class of persons, or

(ii) in respect of any motor vehicle or class of motor vehicles.

PART IV.—Tolls.

Power to cause levy of tolls on roads and bridges and to appoint collectors.

14. [12]. Subject to the rules prescribed by the Government in this behalf, the Government may cause such rates of tolls not exceeding those mentioned in Schedule III [II] hereto annexed, to be levied on any public road or bridge in Mysore, which has been, or shall hereafter be constructed or repaired at the expense of the Government, or any District Board constituted under the Mysore District Boards Regulation, 1926, and may place the collection of such tolls under the management of such persons as may appear to them proper, and all persons employed in the management and collection of such tolls shall be liable to the same responsibility as would belong to them if employed in the collection of the land revenue.

Establishment of toll-bars.

15. [13]. The Government may, from time to time declare the roads on which and the places where tolls shall be levied, and may abolish the collection of tolls on roads on which such tolls have been declared leviable, and may authorise the erection or removal of any toll bar for the purpose of carrying out the provisions of this section.

Provided that when it is proposed to establish a new toll bar on a road maintained by a District Board or to abolish an existing toll bar on such a road such District Board shall be given an opportunity of expressing its opinion on the proposal, before a decision is come to.

16. [14]. (1) In the case of non-payment of any such toll on demand, the persons appointed or duly authorised to collect the same may seize any of the *vehicles* [carriages] or animals on which it is chargeable or any part of their burden of sufficient value to defray the toll.

(2) If any such toll remains undischarged for twenty-four hours after the property has been seized *under* [as stated in] sub-section (1), the said property shall after twenty-four hours notice exclusive of Sunday or any public holiday, be sold by public auction for discharge of the toll and all expenses occasioned by such non-payment seizure and sale, by order of the officer authorised to superintend the collection of the said toll, who *shall* [may] cause any balance that may remain to be returned, on demand, to the owner of the property.

Provided that, if at any time before the sale has actually begun, the person whose property has been seized shall tender the amount of all the expenses incurred, and of double the toll payable by him, the said officer shall forthwith release the property seized. Release of seized property on tender of dues.

(3) Any amount due on account of toll may also be recovered in the same manner as an arrear of land revenue.

17. *No person shall with intent to evade payment of toll cause a vehicle or animal to leave a road on which a toll bar has been placed and pass over any land within a quarter of a mile therefrom, such land not being either a public road or land of which such person is the owner or occupier.* Evasion of payment of tolls.

18. [15]. Every person, other than the persons appointed or duly authorised to collect tolls under this Regulation, who shall levy or demand any toll on any public road or bridge, or for passing through any bazaar situated thereon, and also every person who shall unlawfully and extortionately demand, or take any other or higher toll than the lawful toll, or under colour of this Regulation seize or sell any property knowing such seizure or sale to be unlawful or in any manner unlawfully extort money or any valuable thing from any person under colour of this Regulation shall [be liable] on conviction before a Magistrate [to] *be punishable with* imprisonment for a term which may extend to six months or with fine which may extend to two hundred rupees, any part of which fine may be awarded by the Magistrate to the person aggrieved. Penalty.

19. [16]. Any person who fraudulently or forcibly passes any toll bar without paying the proper toll, or who obstructs the person appointed or duly authorised to collect the toll in the discharge of his duties, shall [be liable,] on conviction before a Magistrate, [to] *be punishable with* imprisonment for [any] a term [not exceeding] *which may extend to* three months or [to a] *with* fine [not exceeding] *which may extend to* fifty rupees. Penalty for fraudulently passing a toll bar.

20. [17]. (1) Subject to such conditions as may be prescribed by the Government in this behalf any person may, in respect of a motor cycle, motor car or motor cab belonging to him pay in lieu of all tolls other than those levied at toll bars established on *any road or bridge specified in Schedule V or a road or bridge constructed after the coming into force of this Regulation* [a road Composition of tolls.

newly constructed] for the recovery of the amount expended upon such road *or bridge*, a quarterly composition fee at rates not exceeding the maxima specified in Schedule IV A [III.] The payment of such composition fee shall exempt such vehicle from tolls levied by any municipal council.

(2) The composition fee payable under sub-section (1) shall be paid for the quarter and in advance.

(3) Any such person may pay in advance the composition fee payable under sub-section (1) for two or more consecutive quarters in the same year. When the fee is so paid, such rebate shall be allowed as may, from time to time, be notified by the Government.

21. *Subject to such conditions as may be prescribed by the Government in this behalf any person may, in respect of any of the following vehicles belonging to him, namely:* (a) *a motor cycle or* (b) *a motor car not exceeding 30 cwt. in weight unladen and constructed or adapted for the carriage of not more than seven persons including the driver or* (c) *a motor bus or* (d) *a cart drawn by a single bullock or two bullocks, pay in lieu of all tolls payable at any one toll bar established under this Regulation other than a frontier toll bar an annual composition fee at rates not exceeding the maxima specified in Schedule* IV (B).

Provided that such composition under this section shall not

(i) *be allowed in respect of more than one toll bar for any such motor cycle, motor car, motor bus or cart, and*

(ii) *exempt such cart from tolls when laden with timber.*

22. [18] The Government may by notification in the Official Gazette make an exemption, reduction in the rate or other modification in regard to toll payable,

(*i*) by any person or class of persons, and

(*ii*) in respect of any vehicle or animal or class of vehicles or animals.

PART V.

LORRIES.

23. [19.] (1) No person shall use a motor lorry on a public road, except under a permit granted by the prescribed authority.

Provided that, if at any time before the sale has actually begun, the person whose property has been seized shall tender the amount of all the expenses incurred, and of double the toll payable by him, the said officer shall forthwith release the property seized. Release of seized property on tender of dues.

(3) Any amount due on account of toll may also be recovered in the same manner as an arrear of land revenue.

17. *No person shall with intent to evade payment of toll cause a vehicle or animal to leave a road on which a toll bar has been placed and pass over any land within a quarter of a mile therefrom, such land not being either a public road or land of which such person is the owner or occupier.* Evasion of payment of tolls.

18. [15]. Every person, other than the persons appointed or duly authorised to collect tolls under this Regulation, who shall levy or demand any toll on any public road or bridge, or for passing through any bazaar situated thereon, and also every person who shall unlawfully and extortionately demand, or take any other or higher toll than the lawful toll, or under colour of this Regulation seize or sell any property knowing such seizure or sale to be unlawful or in any manner unlawfully extort money or any valuable thing from any person under colour of this Regulation shall [be liable] on conviction before a Magistrate [to] *be punishable with* imprisonment for a term which may extend to six months or with fine which may extend to two hundred rupees, any part of which fine may be awarded by the Magistrate to the person aggrieved. Penalty.

19. [16]. Any person who fraudulently or forcibly passes any toll bar without paying the proper toll, or who obstructs the person appointed or duly authorised to collect the toll in the discharge of his duties, shall [be liable,] on conviction before a Magistrate, [to] *be punishable with* imprisonment for [any] a term [not exceeding] *which may extend to* three months or [to a] *with* fine [not exceeding] *which may extend to* fifty rupees. Penalty for fraudulently passing a toll bar.

20. [17]. (1) Subject to such conditions as may be prescribed by the Government in this behalf any person may, in respect of a motor cycle, motor car or motor cab belonging to him pay in lieu of all tolls other than those levied at toll bars established on *any road or bridge specified in Schedule V or a road or bridge constructed after the coming into force of this Regulation* [a road Composition of tolls.

(2) When a motor lorry is being used on a public road, the driver of the vehicle, if it belongs to him or is in his possession under an agreement for hire, hire-purchase or loan and in any other case the person whose agent or servant the driver is, shall, for the purpose of this part of this Regulation, be deemed to be the person by whom the vehicle is being used.

(3) The Government may, by rules, prescribe the conditions subject to which a permit may be granted under this section. In particular, but without prejudice to the generality of the foregoing powers, such conditions may include all or any of the following, that is to say,

(*a*) a condition that the motor lorry shall be used only in a specified area or between specified places;

(*b*) a condition that certain classes or descriptions of goods only shall be so carried;

(*c*) a condition that goods shall be carried only for specified persons;

(*d*) a condition that the motor lorry shall not carry more than the specified number of persons;

(*e*) when the vehicle is a motor lorry intended to be let or plied for hire or reward, such other conditions as the prescribed authority may think fit to impose in the public interest and with a view to prevent uneconomic competition.

(4) A permit under this section may be revoked or suspended by the prescribed authority by which the permit as granted on the ground that any of the conditions of ıe permit have not been complied with.

Provided that the said authority shall not revoke or ıspend a permit unless he is satisfied after giving the older of the permit an opportunity of being heard that ıe permit should be revoked or suspended.

Periodical inspection.

24 [20]. A motor lorry in respect of which a permit granted under section 23 [19] shall be subject to such eriodical inspection as the Government may prescribe.

PART VI—Road Fund.

Road Fund.

"25. *All taxes, tolls and fees paid under this Regu- ıtion, the Mysore Motor Vehicles Regulation, 1928, and the Iysore Highways Regulation, 1920, shall be credited to a pecial fund, to be designated the Road Fund, to which*

fund shall also be credited such other sums as the Government may from time to time direct.

26. The Road Fund will be debited under the orders of the Government with the following charges, that is to say:—

(1) such amount as the Government may from time to time determine on account of the expenses incurred in the carrying into effect of the Regulations mentioned in section 25 and the rules made thereunder,

(2) payments made to local authorities under section 32, and

(3) allotments made at the discretion of the Government for such other purposes not hereinbefore mentioned as may be consistent with or necessary for the more efficient administration of the Regulations mentioned above or the rules made thereunder.

of Fund. *27. The proceeds of the Road Fund after deducting the charges under section 26 shall be used on the construction and maintenance of roads and bridges in Mysore.*

inistra- of Fund. *28. The Board shall administer the Road Fund subject to the control of the Government in such manner as may be ordered by the Government from time to time.*"

PART [VI]—VII.

General.

ings ... icles used agricultu- purposes. 29. [21.] No tax under this Regulation other than vehicle tax shall be levied on any motor vehicle used solely for the purposes of agriculture.

Explanation.—A motor vehicle used for transporting agricultural produce *along a public road* shall not, for the purpose of this section *and section 8*, be deemed to be used solely for the purposes of agriculture.

30. [22.] No prosecution suit or other legal proceeding shall lie against any person for anything in good faith done or intended to be done under this Regulation.

31. [23.] Notwithstanding anything contained in the Mysore City, Town and Minor Municipalities Regulations, 1933, no municipal council shall levy (1) a tax on motor vehicles or (2) a toll on such motor vehicles as are exempted from payment of municipal tolls under this Regulation or the rules made thereunder.

Payment to District Boards and Municipalities for loss of tolls and vehicle tax

32. [24.] (1) From the proceeds of tolls and taxes collected under this Regulation, the Government shall pay annually to each District Board which at the commencement of this Regulation was levying tolls and to each municipal council which at the commencement of this Regulation was levying a vehicle tax on motor vehicles, a sum determined by the Government *after consulting the District Board or the municipal council concerned* as representing the average annual income of each District Board from tolls and of each municipal council from vehicle tax on motor vehicles during the three years ending 30th day of June 193 , after deducting therefrom the expenses of collection which shall be determined by the Government in such manner as it may deem fit.

(2) In determining the amount payable to a local authority under sub-section (1) the Government shall take into account—

(*a*) the arrears of toils or vehicle tax on motor vehicles left uncollected, which could have been collected;

(*b*) the amounts which the local authority should have paid to any other local authority on account of collections made on behalf of the latter and remaining to be adjusted; and

(*c*) the vehicle tax payable on vehicles owned by the local authority or by its employees in respect of which exemptions were granted by the local authority.

(3) At the end of three years from the commencement of this Regulation, the Government may, after consulting the District Board or Municipal Council concerned, [determine in such manner as may be then prescribed] *prescribe the manner in which and the periods for which* the amount payable thereafter to such District Board or Municipal Council *shall be paid.*

(4) The amount recovered in respect of composition of tolls under section 20 [17] the proceeds of the service tax under sub-section (c) of section 8 [6] on all public service motor vehicles plying or used solely within a municipality, and the proceeds of the mileage cess under sub-section d) of section 8, [6] shall be apportioned between the respective local authorities and the Government in such manner as may be determined by rules or orders made in this behalf.

Explanation.—A local authority for the purposes of this sub-section shall mean a District Board, a City Municipal Council or such other Town Municipal Council

or Sanitary Board as the Government may notify in this behalf.

33. [25] (1) The Government may, subject to the condition of previous publication [except in respect of rules relating to matters falling under Part IV of this Regulation,] make rules for more effectively carrying out all or any of the purposes of this Regulation.

(2) All rules made under this section shall be published in the Official Gazette and on such publication shall have effect as if enacted in this Regulation.

34. [26.] Whoever contravenes any of the provisions of this Regulation or of any rule made thereunder shall if no other penalty is elsewhere provided in this Regulation for such contravention, be punishable with fine which may extend to one hundred rupees, and in the event of such person having been previously convicted of an offence under this Regulation or any rule made thereunder with fine which may extend to two hundred rupees.

35. [27.] The Government may, subject to the approval of the Legislative Council by a resolution recorded in this behalf alter, add to or cancel any or all of the Schedules II A to IV B of this Regulation and such alteration, addition or cancellation when published in the Official Gazette, shall have the force of law and all references in this Regulation to any of the aforesaid Schedules shall be construed as referring to such Schedules as are for the time being amended in exercise of the power conferred by this section.

36. [28.] No court inferior to that of a Second Class Magistrate shall try any offence punishable under this Regulation or the rules made thereunder, except offences punishable under Part IV of this Regulation or under rules made in respect of matters under the said part.

SCHEDULE [II] III.

(Section 14 [12].)

Rates of Tolls.

	A. MOTOR VEHICLES.	Rs.	a.	p.
	Motor cycle with or without side car ...	0	4	0
2	On every [four wheeled] motor car or motor cab constructed or adapted to carry not more than seven persons including the driver	1	0	0
3	On every four wheeled motor car constructed or adapted to carry eight persons or more including the driver	2	0	0
4	On every *four wheeled* motor bus	2	0	0
5	On every motor lorry	3	0	0
[6	Do heavy motor vehicle, motor vehicle exceeding two tons in weight unladen ...	3	0	0]
6 [7]	Do vehicle propelled by steam or motor power other than those specified above	3	0	0
7 [8]	Do vehicle of the categories mentioned in items 5 and 6 above, if laden with timber, [fuel, bamboos or stone] and entering the State at a frontier toll bar	6	0	0

	B. VEHICLES OTHER THAN MOTOR AND STEAM VEHICLES.			
1	On every four wheeled carriage	0	8	0
2	Do two wheeled carriage on springs other than a jutka or ekka	0	4	0
3	Do ekka or jutka laden	0	2	0
4	Do do unladen	0	1	0
5	Do... other vehicle on springs *ex*[in]cluding a tricycle and a bicycle	0	2	0
	Do cart or other vehicle drawn by eight bullocks, buffaloes, horses, ponies, asses or mules, if laden	1	0	0
	Do cart or other vehicle drawn by eight bullocks, buffaloes, horses, ponies, asses or mules, if not laden	0	8	0
	Do cart or other vehicle drawn by six bullocks, buffaloes, horses, ponies, asses or mules, if laden...	0	8	0
	Do cart other vehicle drawn by six bullocks, buffaloes, horses, ponies, asses or mules, if not laden	0	4	0
	Do cart or other vehicle drawn by four bullocks, buffaloes, horses, ponies, asses, or mules, if laden	0	6	0

11	On every	cart or other vehicle drawn by four bullocks buffaloes, horses, ponies, asses, or mules, i not laden ... .
12	Do	cart or other vehicle drawn by two bullocks buffaloes, horses, ponies, asses or mules, i laden ... .
13	Do	cart or other vehicle drawn by two bullocks buffaloes, horses, ponies, asses or mules i not laden ....
14	Do	cart or other vehicle drawn by a single bul lock, buffalo, horse, pony, ass or mule, i laden ... .
15	Do	cart or other vehicle drawn by a single bul lock, buffalo, horse, pony, ass or mule, i not laden ... .
16	Do	cart or other vehicle, if laden with timbe [fuel, bamboos or stone] and entering th State at a frontier toll-bar ... ..

C. ANIMALS, PALANQUINS, ETC.

1	On every buffalo or bullock per head, if laden ...	0	1	0
2	Do do not laden ...	0	0	6
3	Do elephant	1	0	0
4	Do camel, if laden	0	4	0
5	Do do not laden	0	2	0
6	Do horse, if laden or ridden	0	1	6
7	Do horse, if unladen or not ridden	0	0	9
8	Do thattu or mule, if laden or ridden ..	0	0	9
9	Do do if unladen or led ...	0	0	6
10	Do ass, if laden or ridden	0	0	6
[11	Do ass, if unladen or led	0	0	3]
[12	Do sheep, goat or pig	0	0	1]
11 [13]	Do palanquin, dooly, palna or tonjon with two bearers or rickshaw	0	2	0
12 [14]	Do palanquin, dooly, palna or tonjon with more than two bearers	0	4	0

Provisos.—

Double the rate of tolls prescribed above may be levied in the case of carts referred to in items 6, 8, 10, 12, and 14 of B, if laden and entering the State at a frontier toll-bar.

Double the rate of tolls prescribed above may be levied in the case of carts referred to in items 6, 8, 10, 12 and 14 of B, when such carts are laden with timber.

The Government may prescribe lower rates of tolls than those prescribed in this schedule on carts fitted with tyres over 2½ inches in width or with pneumatic tyres.

Double the rate of tolls prescribed above may be levied in case of carts referred to in items 6, 8, 10 and 12 of B. when such carts are loaded with timber or stones.]

The Government may prescribe a lower rate of tolls on carts with tyres over 2½" wide than on carts with narrower tyres.]

SCHEDULE [II] III.

(Section 14 [12].)

Rates of Tolls.

A. MOTOR VEHICLES.

On every	motor cycle with or without side car	...
On every	[four wheeled] motor car or motor cab constructed or adapted to carry not more than seven persons including the driver	... ...
On every	four wheeled motor car constructed or adapted to carry eight persons or more including the driver	
On every	*four wheeled* motor bus	... ...
On every	motor lorry	... ...
Do	heavy motor vehicle, *i. e.*, a motor vehicle exceeding two tons in weight unladen	...
7] Do	vehicle propelled by steam or motor power other than those specified above	...
8] Do	vehicle of the categories mentioned in items 5 and 6 above, if laden with timber, [fuel, bamboos or stone] and entering the State at a frontier toll bar	... ...

B. VEHICLES OTHER THAN MOTOR AND STEAM VEHI

On every	four wheeled carriage	... ...
Do	two wheeled carriage on springs other than a jutka or ekka	... ...
Do	ekka or jutka laden	... ...
Do	do unladen	... ...
Do	other vehicle on springs *ex*[in]cluding a tricycle and a bicycle	... ...
Do	cart or other vehicle drawn by eight bullocks, buffaloes, horses, ponies, asses or mules, if laden	... ...
Do	cart or other vehicle drawn by eight bullocks, buffaloes, horses, ponies, asses or mules, if not laden	... ...
Do	cart or other vehicle drawn by six bullocks, buffaloes, horses, ponies, asses or mules, if laden...	... ...
Do	cart other vehicle drawn by six bullocks, buffaloes, horses, ponies, asses or mules, if not laden	... ...
Do	cart or other vehicle drawn by four bullocks, buffaloes, horses, ponies, asses, or mules, if laden ...	... ...

SCHEDULE [III] IV—A.

Section 20. [17].

Rate of fee for composition of tolls on Motor Vehicles.

Classes of vehicles	Fees per quarter					
	For vehicles fitted with pneumatic tyres on all wheels			For other vehicles		
	Rs.	a.	p.	Rs.	a.	p.
1. *Motor cycles-*						
) Motor cycles with two wheels ...	7	8	0	10	0	0
) Ditto, if used for drawing a trailer or side car	10	0	0	12	8	0
) Motor cycles with three wheels ...	10	0	0	12	8	0
2. *Motor cars and motor cabs.*						
) Weighing not more than 15 cwts., unladen	17	8	0	25	0	0
) Weighing more than 15 cwts. but not more than 30 cwts, unladen ...	25	0	0	37	8	0
) Weighing more than 30 cwts. but not more than 45 cwts, unladen ...	32	8	0	50	0	0
) Weighing more than 45 cwts. but not more than 60 cwts, unladen ...	40	0	0	60	0	0
) Weighing more than 60 cwts., unladen	50	0	0	75	0	0
) Additional fee payable in respect of such vehicles when used for drawing trailers—						
(i) For each trailer not exceeding 1 ton in weight, unladen ...	10	0	0	15	0	0
(ii) For each trailer exceeding one ton in weight, unladen	20	0	0	30	0	0
Provided that two or more vehicles shall not be chargeable under this class in respect of the same trailer.						

SCHEDULE IV B.

(Section 21).

Rate of fee for composition in respect of a single toll bar for certain vehicles.

Class of vehicle	*Amount of annual fee*		
	Rs.	*a.*	*p.*
a) *Motor cycles*	*15*	*0*	*0*
b) *Motor cars weighing not more than 30 cwt. in weight unladen and not constructed or adapted to carry more than seven persons including the driver*	*30*	*0*	*0*
c) *Motor buses* ...	*20*	*0*	*0*
d) *Carts drawn by a single bullock or two bullocks* ...	*7*	*8*	*0*

SCHEDULE II [IV] A.

Vehicle Tax.—(Section) 8 [6] (a)).

	Class of Vehicles	*Annual Tax*
1	Motor Cycles	
2	Motor cars, constructed or adapted to carry in all not more than seven persons including the driver—	
	(*a*) Weighing not more than 15 cwts., unladen ...	30
	(*b*) Weighing more than 15 cwts. unladen	40
3	Motor cars constructed or adapted to carry eight persons or more including the driver	60
4	For heavy motor cars, *i.e.*, motor cars exceeding two tons in weight, unladen	100
5	*Motor Lorries used solely for purposes of agriculture* ...	60

Privileges and Exemptions.

The vehicle shall be exempt from all municipal tolls.

[*Privileges and exemptions which a vehicle is entitled to and the conditions and limitations therefor.*

[1. The vehicle shall be exempt from Municipal tolls either of the Municipal Council within the limits of which the owner resides or of that in the limits of which he carries on business in respect of which the vehicle is used, at his option, which shall be exercised at the time of the payment of the tax.

[A vehicle kept outside the limits of any municipality shall be free from the tolls of the municipality nearest the place of residence of the owner or his principal place of business, as the case may be, provided that such municipality is within a radius of five miles from such place. If the place is equidistant from two municipalities, the vehicle shall be free from tolls at the municipality elected and declared by the owner at the time of the payment of the tax, provided that the declaration made shall not be, subject to variation during the year.

[2. The vehicle shall continue to have all the privileges and exemptions to which it was entitled on payment of the Municipal Vehicle Tax, both in the municipality in which such tax is payable and in other municipalities under any reciprocal arrangements that may have been in force at the commencement of this Regulation.

[3. The exemption from tolls specified above shall apply only at the ordinary toll-gates and shall not apply to *ad-hoc* toll-gates established on a newly constructed public road for the recovery of the amount expended upon such public road and the bridge or causeway, if

SCHEDULE II [IV] B.

Road Tax.—(Section 8 [6] (b.))

Class of Vehicles	Quarterly tax	
	Vehicles fitted with pneumatic tyres on all wheels	Other Vehicles
	Rs. a. p.	
1. Motor lorries *without trailers* not let or plied for hire or reward :		
(*a*) Not exceeding 15 cwt. in weight, unladen	30 0 0	45
(*b*) Exceeding 15 cwt. but not exceeding 25 cwt. in weight, unladen...	50 0 0	70
(*c*) Exceeding 25 cwt. but not exceeding 30 cwt. in weight, unladen...	70 0 0	90
(*d*) Exceeding 30 cwt. but not exceeding 35 cwt. in weight, unladen...	90 0 0	115
(*e*) Exceeding 35 cwt. but not exceeding 50 cwt, in weight, unladen...	112 8 0	150
(*f*) Exceeding 50 cwt. but not exceeding 70 cwt. in weight, unladen...	150 0 0	185
(*g*) Exceeding 70 cwt. but not exceeding 100 cwt. in weight. unladen.	175 0 0	225
(h) *Exceeding 100 cwt. in weight unladen*	250 0 0	*300*
(*j*) [(*h*)] Additional tax payable in respect of such vehicles when used for drawing trailers :		
(i) For each trailer not exceeding 1 ton in weight, unladen ...	60 0 0	85
(ii) For each trailer exceeding 1 ton in weight, unladen ...	125 0 0	150
Provided that two or more vehicles shall not be chargeable under this clause in respect of the same trailer.		
Motor lorries let or plied for hire or reward *and used for the carriage or haulage of goods only.*	One and half times the rate prescribed for each respective class of vehicle under 1 above.	

Classes of Vehicles	Quarterly tax	
	Vehicles fitted with pneumatic tyres on all wheels	Other vehicles
Motor lorries let or plied for hire or reward and used for the carriage or haulage of goods and passengers.	(a) *a tax as on a motor-lorry under item (2) above, having a weight which bears to the unladen weight of the vehicle the same proportion as the floor area set apart for the carriage of goods bears to the total floor area of the vehicle, together with,* (b) *a service tax calculated at the rate specified in schedule II C for every passenger which the vehicle is licensed to carry, and* (c) *a mileage cess as on motor buses under schedule II D.*	

Explanation.—*Goods in items 2 and 3 above do not include light personal effects of passengers.*

Provisos.—

1. (a) *Motor Lorries not let or plied for hire or reward shall be exempt from tolls other than those levied by a municipal council in the area in which they have the permit for working in accordance with sub section (3) of Section 23.*

(b) *While working outside the said area on special permits they are liable to both Government and municipal tolls.*

(c) *Such motor lorry shall be exempt from all municipal tolls either of the municipal council within the limits of which the owner resides or of that in the limits of which he carries on business in respect of which the vehicle is used, at his option which shall be exercised at the time of the payment of the tax.*

Such motor lorry kept outside the limits of any municipality shall be free from the tolls of the municipality nearest the place of residence of the owner or his principal place of business, as the case may be, provided that such municipality is within a radius of five miles from such place. If the place is equidistant from two municipalities, such motor lorry shall be free from tolls at the municipality elected and declared by the owner at the time of the payment of the tax, provided that the declaration made shall not be subject to variation during the year.

2. *Motor lorries let or plied for hire or reward shall be exempt from lls other than those levied by a municipal council in the area in which they ve the permit provided that, on roads which the Board may declare as mpeting with the Railways in respect of traffic, they may be subject to the ayment of tolls.*

3. *The provisos to Schedule II C and II D will also be applicable the cases of vehicles under item 3 above.*"

[1. (*a*) Lorries other than those let or plied for hire shall be exempt from tolls other than those levied by a Municipal Council in ie area in which they have the permit for working in accordance with ub-section (3) of section 19.

[(*b*) While working outside the said area on special permits, they re liable to both Government and Municipal tolls.

[(*c*) They shall further be entitled to the privileges and exemptions specified in Schedule IV A.]

[2. Lorries let or plied for hire or reward shall be exempt from olls other than those levied by a Municipal Council in the area in hich they have the permit provided that, on roads which the Board ay declare as competing with the Railways in respect of traffic, they ay be subject to the payment of tolls.]

SCHEDULE II [IV] C.

Service Tax.—(Section 8 [6] (c)).

Class of vehicles	Quarterly tax	
	Vehicles fitted with pneumatic tyres on all wheels	Other vehicles
	Rs. a. p.	Rs. a. p.
Motor cabs other than (3) below		
(1) *licensed to carry in all not more than four persons,*	*30 0 0*	*45 0 0*
(2) *licensed to carry more than four persons, for every person whom the vehicle is so licensed to carry.*	7 8 0	11 4 0
Motor buses other than (3) below		
For every person whom the vehicle is licensed to carry		
(1) *on routes graded as class I by the Board,*	7 8 0	11 4 0
(2) *on routes graded as class II by the Board.*	6 0 0	9 0 0
Motor cabs and motor buses used for hire for a strictly limited purpose.	25 0 0	37 8 0

Class of Vehicles	Quarterly tax	
	Vehicles fitted with pneumatic tyres on all wheels	Other Vehicles
[1. Motor cabs and motor buses other than (2) below :—		
(*a*) Vehicles licensed under the Mysore Motor Vehicle Rules, to carry in all not more than four passengers.	30 0 0	
(*b*) Vehicles licensed under the Mysore Motor Vehicles Rules to carry more than four passengers for every passenger which the vehicle is so licensed to carry.	7 8 0	11 4 0
2. Motor cabs and motor buses used for hire for a strictly limited purpose.	25 0 0	37 8 0]

Provisos.—

1. In the case of motor cabs one seat for the driver and in the case of motor buses two seats, one for the driver and one for the conductor, shall not be taken to account for purposes of calculating this tax.

2. A motor vehicle is said to be [let] *used* for hire for a limited purpose when it satisfies the following conditions :—

(*a*) The vehicle is owned by a public institution like a hotel or school.

(*b*) It is used exclusively for the business of such institution that is, for the conveyance of its members, clients or, workmen.

(*c*) It is used within the limits of the Municipality in which it is kept.

(*d*) It is not available for hire by the general public.

3. "*Motor cabs and motor buses paying service tax shall be exempt from municipal tolls either of the municipal council within the limits of which the owner resides or of that in the limits of which he carries on business in respect of which the vehicle is used, at his option, which shall be exercised at the time of the payment of the tax.*

A motor cab or motor bus kept outside the limits of any municipality shall be free from the tolls of the municipality nearest the place of residence of the owner or his principal place of business, as the case may be, provided that such municipality is within a radius of five miles from such place. If the place is equidistant from two municipalities, the motor cab or motor bus shall be free from tolls at the municipality elected and declared by the owner at the time of the payment of the tax, provided that the declaration made shall not be subject to variation during the year.

[Motor cabs and motor buses paying the service tax shall further be entitled to the privileges and exemptions specified in schedule IV (*a*)].

SCHEDULE II [IV] D.

Mileage Cess.

Class of Vehicles.	*Rate of Tax.*
)uses—	
'hen plying on ordinary permits as part of a regular service	'bix pies per mile.
hen plying on special permits in other cases	Nine pies per mile.

.—

' Buses paying the mileage cess are exempt from all tolls levied either Government or a municipal council except those levied at toll bars hed on any road or bridge specified in Schedule V or a road or bridge ted after the coming into force of this Regulation, for the recovery mount expended on such road or bridge."

uses paying the mileage cess are exempt from all tolls levied by the Government or a Municipal Council, except those levied gates established on a newly constructed public road for the y of the amount expended on such p ad and the bridge eway, if any, over which it may lie.]

SCHEDUL

RECENTLY CONSTRUCTED ROADS AND BRIDGES.

(Section 20).

'he road and bridge over ..	*the Cauvery at T.-Narasipur.*
Do	*the Cauvery at Krishnarajasagara.*
Do	*the Hemavati at Akki-Hebbal*
Do	*the Hemavati at Gorur.*

AGENT'S OFFICE.
MYSORE.

27th April 1935.

Dear Sir,

As desired in your D.O. No.P.5937-49 dated 26th April 1935, I return herewith the draft report of the Select Committee on the Mysore Road Traffic and Taxes Bill, received therewith, duly approved.

Yours Sincerely,

To

C. Subrahmanya Aiyar, Esq., B.A., B.L.,

Secretary, Representative Assembly
and Legislative Council,

General & Revenue Secretariat,

Bangalore.

615.P.234 116

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MYSORE PUBLIC WORKS DEPARTMENT,
CENTRAL OFFICE,

Dated Bangalore, the 27-4 1935

RAL SECRET
29 APR.

Dear Sir,

I return herewith, duly approved, the draft of the report of the Select Committee on the Mysore-Road Traffic and Taxes Bill received with your D.O. letter No. P. 5937-49 dated 26-4-35.

Yours Sincerely,

H.V.Ramaswami, Esq., M.A.,B.L.,
General Secretary to Government,
Bangalore.

29.4.35

DRAFT REPORT OF THE SELECT COMMITTEE ON THE MYSORE ROAD TRAFFIC AND TAXES BILL.

We, the undersigned members of the Select Committee to which the Mysore Road Traffic and Taxes Bill was referred, have considered the Bill at our meetings held on the 26th and 27th February 1935 and on the 8th, 9th, 13th and 14th March 1935 and have now the honour to submit this our report together with a copy of the Bill as amended by us.

2. *Clause 2* (7). The definition of "motor lorry" in the Bill would include small trailers used for carrying the personal luggage of private motor car owners. It is the opinion of the Committee that they should be excluded from the definition of "lorries" and not be subject to a heavy road tax. We have therefore added the following words at the end of the definition of "motor lorry":—

"but does not include a trailer when drawn by a motor car constructed or adapted solely for the carriage of not more than seven persons including the driver and used for the carriage of their effects."

3. *Clause 4* (2).—As we consider that it will be useful to have a representative of local bodies on the Traffic Board, we have added the words "a representative of the local authorities in the State and" after the word "include" in clause 4 (2).

Clause 5 sub-clauses (1) to (4).—We have split up sub-clause (4) of clause 5 into two sub-clauses and rearranged sub-clauses (1) to (4).

Sub-clause (1) will be:—

"The Government may by notification invest the Board either absolutely or subject to conditions with such powers as may be necessary for the purposes mentioned in sub-section (1) of section 4."

Sub-clauses (1), (2) and (3) will be renumbered (2), (3), and (4).

A new sub-clause as follows will be added as sub-clause (5).

"The Government may prescribe the mode in which the Board shall conduct its business."

5. *Sub-clause (5) of clause 5 of the Bill.*—(1) The provision regarding holding of enquiries by the Traffic Board may come in as a separate section and we have accordingly numbered sub-clause (5) of clause 5 of the Bill as clause 6.

(2) For facilitating an enquiry, the Board should have power to summon witnesses and documents. We have accordingly redrafted sub-clause (5) (a) of clause 5 of the Bill as follows :—

"6. (1) The Board may hold an inquiry or direct inquiry to be made in regard to any accident arising out of the presence of a motor vehicle on a public road whereby damage or injury has been caused to person or property and the Government may invest, by rules, the Board or such person as may be authorised by the Board in this behalf with such powers as may be necessary for the holding of such inquiry and for summoning and enforcing the attendance of witnesses and compelling the production of documents, and prescribe the procedure to the followed at such inquiry."

6. We are of opinion that it is necessary and useful to have advisory committees in each district to advise the Traffic Board on traffic and other connected matters in the district. We have accordingly inserted the following new clause as clause 7 regarding the constitution of District Traffic Advisory Committees.

District Traffic Advisory Committees.

"7. (1) The Government may constitute an advisory committee for each district designated the District Traffic Advisory Committee consisting of the Deputy Commissioner who shall be chairman and such other members including the President of the District Board as may be appointed by the Government from time to time.

(2) It shall be the duty of the District Traffic Advisory Committee—

(i) to consider, report to and advise the Board on any matter relating to traffic within the district;

(ii) to make representations to the Board with respect to any matter connected with the transport services and facilities in the district which are in the opinion of the committee to be considered by the Board, and

(iii) to consider, report to and advise the Board on any other matters which are referred to them by the Board."

7. *Clause 6 of the Bill.*—(1) We have added the words "used or" between the words "vehicles" and "kept for use" in order to make it clear that liability to taxation arises from the use of public roads in Mysore.

(2) Since under clause 21 of the Bill motor vehicles used solely for purposes of agriculture are exempted from all taxes except vehicle tax and since we are of opinion that lorries used for such purposes should be subject to a vehicle tax, we have inserted the words "and motor lorries used solely for purposes of agriculture" after the words "motor cars" in item (*a*), deleting the word "and" between "motor cycles" and "motor cars."

8. *Clause 7 of the Bill.*—(1) In sub-clause (2) we have substituted the words "by the registered owner or the person having possession or control of the motor vehicle" for the words "by the person who keeps a motor vehicle for use." so that the wording may be uniform with sub-clause (1) of clause 7 and clauses 8 and 9 of the Bill.

(2) Sub-clause (3) has been re-drafted as follows:—

"Taxes other than the vehicle tax shall be payable for the quarter and in advance. The taxes due for two or more consecutive quarters of the same year may be paid in advance."

9. *Clause 12 of the Bill.*—Some of the members of the committee considered that a specific provision exempting bullock carts from tolls should be incorporated in clause 12. The majority of the committee were of the opinion that it was not desirable to embody in the Regulation an exemption in respect of one category of vehicles and that as the existing exemptions in respect of bullock carts have been granted by executive orders of the Government, these exemptions may be continued by the Government under the powers vested in them by clause 18 of the Bill. Further these carts are at present subject to the levy of tolls at the District Fund toll gates of certain districts and the statutory exemption of all bullock carts from the payment of tolls would raise difficulties in the matter of the amount of compensation payable to District Boards for loss of toll revenue.

10. *Clause 13 of the Bill.*—It is considered desirable that before deciding to establish a new toll bar on a road

maintained by the District Board or to abolish an existing toll bar on such road the District Board should be given an opportunity of expressing its view. We have therefore added the following proviso to this clause.

"Provided that when it is proposed to establish a new toll bar on a road maintained by a District Board or to abolish an existing toll bar on such a road such District Board shall be given an opportunity of expressing its opinion on the proposal, before a decision is come to."

11. The payment of toll is sometimes evaded by leaving the road on which a toll bar has been located and passing over land adjacent to the toll bar. In order to prevent such evasion, we consider it desirable to prohibit vehicles or animals from passing over land within a radius of two furlongs from the toll bar without payment of toll. We have therefore added a clause as follows after clause 14 of the Bill. This is in accordance with section 109 of the Madras Local Boards Act (1920).

Evasion of payment of tolls.

"No person shall with intent to evade payment of toll cause a vehicle or animal to leave a road on which a toll bar has been placed and pass over any land within a quarter of a mile therefrom, such land not being either a public road or land of which such person is the owner or occupier."

12. *Clause* 17 (1) *of the Bill.*—The words "newly constructed" in this clause are not sufficiently definite. The intention is that the composition of tolls under this clause will apply only to the ordinary toll bars and will not cover tolls leviable at *ad hoc* toll bars established on recently constructed public roads and bridges for the recovery of the amount expended upon them. It is the opinion of the Committee that such tolls not covered by the composition fee under this clause should be limited to those levied at the toll bars on the Hemavati bridge at Akkihebbal, on the Cauvery bridge at T. Narasipur, on the Hemavati bridge at Gorur and on the Krishnarajasagara Dam and to those that may be established hereafter over roads or bridges constructed after the coming into force of this Regulation. We have therefore substituted for the words "on a road newly constructed" in clause 17 (1), the following words:—

"on any road or bridge specified in Schedule V or a road or bridge constructed after the coming into force of this Regulation."

(iii) to consider, report to and advise the Board on any other matters which are referred to them by the Board."

7. *Clause 6 of the Bill.*—(1) We have added the words "used or" between the words "vehicles" and "kept for use" in order to make it clear that liability to taxation arises from the use of public roads in Mysore.

(2) Since under clause 21 of the Bill motor vehicles used solely for purposes of agriculture are exempted from all taxes except vehicle tax and since we are of opinion that lorries used for such purposes should be subject to a vehicle tax, we have inserted the words "and motor lorries used solely for purposes of agriculture" after the words "motor cars" in item (*a*), deleting the word "and" between "motor cycles" and "motor cars."

8. *Clause 7 of the Bill.*—(1) In sub-clause (2) we have substituted the words "by the registered owner or the person having possession or control of the motor vehicle" for the words "by the person who keeps a motor vehicle for use," so that the wording may be uniform with sub-clause (1) of clause 7 and clauses 8 and 9 of the Bill.

(2) Sub-clause (3) has been re-drafted as follows:—

"Taxes other than the vehicle tax shall be payable for the quarter and in advance. The taxes due for two or more consecutive quarters of the same year may be paid in advance."

9. *Clause 12 of the Bill.*—Some of the members of the committee considered that a specific provision exempting bullock carts from tolls should be incorporated in clause 12. The majority of the committee were of the opinion that it was not desirable to embody in the Regulation an exemption in respect of one category of vehicles and that as the existing exemptions in respect of bullock carts have been granted by executive orders of the Government, these exemptions may be continued by the Government under the powers vested in them by clause 18 of the Bill. Further these carts are at present subject to the levy of tolls at the District Fund toll gates of certain districts and the statutory exemption of all bullock carts from the payment of tolls would raise difficulties in the matter of the amount of compensation payable to District Boards for loss of toll revenue.

10. *Clause 13 of the Bill.*—It is considered desirable that before deciding to establish a new toll bar on a road

(2) We have added the words "or bridges" after the words "upon such road."

(3) We have added another schedule as follows :—

"SCHEDULE V.

RECENTLY CONSTRUCTED ROADS AND BRIDGES.

(*Section* 20):

(i) The road and bridge over the Cauvery at T. Narsipur.

(ii) The road and bridge over the Cauvery at Krishnarajasagara.

(iii) The road and bridge over the Hemavati at Gorur.

(iv) The road and bridge over the Hemavati at Akkihebbal."

13. (1) The Committee are of opinion that facilities or composition of tolls leviable at any one toll bar may be given in respect of motor cycles, motor cars, motor buses and bullock carts not laden with timber. We do not propose to allow such composition in respect of frontier toll bars and would limit such composition for each vehicle to any one toll bar. We have therefore added a clause as follows after present clause 17.—

Composition of tolls in respect of single toll bars.

21. Subject to such conditions as may be prescribed by the Government in this behalf, any person may, in respect of any of the following vehicles belonging to him, namely, (*a*) a motor cycle or (*b*) a motor car not exceeding 30 cwt. in weight unladen and constructed or adapted for the carriage of not more than seven persons including the driver or (*c*) a motor bus or (*d*) a cart drawn by a single bullock or two bullocks, pay in lieu of all tolls payable at any one toll bar established under this Regulation other than a frontier toll bar an annual composition fee at rates not exceeding the maxima specified in schedule IV (B).

Provided that such composition under this section shall not—

(i) be allowed in respect of more than one toll bar for any such motor cycle, motor car, motor bus, or cart ; and

(ii) exempt such cart from tolls when laden with timber."

(2) We have added a Schedule IV B after Schedule II of the Bill indicating an annual composition fee in respect of any one toll bar at the following rates :—

		Rs.	a.	p.
Motor cycles	....	15	0	0
Motor cars	....	30	0	0
Motor buses	...	200	0	0
Carts	....	7	8	0

14. We consider it necessary that all taxes, tolls and fees collected under this Regulation should be credited to a special fund called the "Road Fund" and the proceeds thereof after deducting all charges thereon and payments to be made to local authorities under clause 24 of the Bill should be used on the construction and maintenance of roads and bridges in Mysore. Further, it is our opinion that the Traffic Board should have administrative powers over the Road Fund, subject to the control of the Government. Accordingly, we have inserted the following clauses as a separate part after Part V in regard to the constitution of the Road Fund.

"PART VI—ROAD FUND.

"25. All taxes, tolls and fees paid under this Regulation, the Mysore Motor Vehicles Regulation, 1928, and the Mysore Highways Regulation, 1920, shall be credited to a special fund, to be designated the Road Fund, to which fund shall also be credited such other sums as the Government may, from time to time, direct.

"26. The Road Fund will be debited under the order of the Government with the following charges, that is to say,

(1) such amount as the Government may, from time to time, determine on account of the expense incurred in the carrying into effect of the Regulations mentioned in section 25 and the rules made thereunder,

(2) payments made to local authorities under section 32, and

(3) allotments made at the discretion of the Government for such other purposes not hereinbefore mentioned as may be consistent with or necessary for the more efficient administration of the Regulations mentioned above or the rules made thereunder.

"27. The proceeds of the Road Fund after deducting the charges under section 26 shall be used on the construction and maintenance of roads and bridges in Mysore.

"28 The Board shall administer the Road Fund subject to the control of the Government in such manner as may be ordered by the Government from time to time."

15. (1) *Clause* 21 *of the Bill.*—In the explanation to this clause, we have added the words "along a public road" after the word "produce" and the words "and section 8" after the words "this section."

(2) Some of the members suggested that only a motor vehicle for hire used for transport of agricultural produce should not be deemed to be used solely for the purposes of agriculture. The majority were of the opinion that the explanation to this clause may stand as it is.

16. *Clause* 24 *of the Bill.*—(1) We have added the words "after consulting the District Board or Municipal Council concerned" after the words "a sum determined by the Government" in sub-clause (1).

(2) *Sub-clause* (3).—The Committee are of the opinion that there should be periodical revisions of the amounts payable to the local authorities. We have therefore re-drafted sub-clause (3) as follows :—

"At the end of three years from the commencement of this Regulation, the Government may, after consulting the District Board or Municipal Council concerned, prescribe the manner in which and the periods for which the amount payable thereafter to such District Board or Municipal Council shall be paid."

17. *Clause* 25 *of the Bill.*—We are of opinion that the condition of previous publication may be applied to rules made in respect of tolls also. We have therefore deleted the words "except in respect of rules relating to matters falling under Part IV of this Regulation."

18. *Schedule II of the Bill.*—This has been re-numbered as Schedule III.

(*a*) In item 2 of A, the words "four wheeled" have been omitted.

(*b*) In item 4 of A, the words "four wheeled" have been inserted between the words "every" and "motor bus."

(*c*) We have deleted item 6.

(*d*) In Item 8 of A, we have deleted the words "fuel, bamboos, or stone."

(*e*) *Item 5 of B.*—We consider that tricycles and bicycles need not be made liable to toll. We have therefore substituted the word "excluding" for "including" in this item.

(*f*) *Item 16 of B.*—We have deleted the words "fuel, bamboos or stone," imposing toll at this rate only on carts laden with timber.

(*g*) We have deleted items 11 & 12 of C.

(*h*) We have re-drafted the provisos herein as follows:—

(1) "Double the rate of tolls prescribed above may be levied in the case of carts referred to in items 6, 8, 10 12 and 14 of B, if laden and entering the State at a frontier toll bar.

(2) Double the rate of tolls prescribed above may be levied in the case of carts referred to in items 6, 8, 10, 12 and 14 of B when such carts are laden with timber.

(3) The Government may prescribe lower rates of tolls than those prescribed in this schedule on carts fitted with tyres over 2½ inches in width or with pneumatic tyres."

19. *Schedule III of the Bill.*—(1) This is re-numbered as Schedule IV A.

(2) In regard to new section 21 which we have inserted, we add the following new schedule:—

"SCHEDULE IV B. (*Section 21*).

Rate of fee for composition in respect of a single toll bar for certain vehicles.

Class of vehicle	*Amount of annual* Rs.	a.	
Motor cycles	15	0	
Motor cars weighing not more than 30 cwt. in weight unladen and not constructed or adapted to carry more than seven persons including the driver.	30	0	0
Motor buses	200	0	0
Carts drawn by a single bullock or two bullocks...	7	8	0"

20. *Schedule IV A of the Bill.*—(1) This is re-numbered as Schedule II A.

(2) In pursuance of the amendment, proposed in clause 6 of the Bill, we have added the following new item as item 5 :—

	Annual tax. Rs.
Motor Lorries used solely for purposes of agriculture.	60"

(3) The Committee are of opinion that on payment of the vehicle tax, a motor vehicle should be exempt from tolls at all the municipal toll bars in the State. We have therefore deleted "Privileges, etc.," and items 1 to 3 thereunder and inserted the following :—

"*Privileges and Exemptions.*—The vehicle shall be exempt from all municipal tolls."

21. *Schedule IV B of the Bill.*—(1) This has been re-numbered as Schedule II B.

(2) We have added the words "without trailers" after the words "motor-lorries" in item 1.

(3) We have added the following after item (g) :—

		Rs.
"exceeding 100 cwt. in weight unladen	...	250 300

(4) Since the schedule does not cover the cases of motor lorries used for the carriage of goods and also passengers, we have made the following changes :—

The words "and used for the carriage or haulage of goods only" are added after the word "reward" in item 2.

The following is inserted as item 3 :—

"3. Motor lorries let or plied for hire or reward and used for the carriage or haulage of goods and passengers—

(*a*) a tax as on a motorlorry under item (2) above, having a weight which bears to the unladen weight of the vehicle the same proportion as the floor area set apart for the carriage of goods bears to the total floor area of the vehicle, together with,

(*b*) a service tax calculated at the rate specified in schedule II C for every passenger which the vehicle is licensed to carry, and

(*c*) a mileage cess as on motor buses under Schedule II D.

Explanation.—Goods in items 2 and 3 above do not ide light personal effects of passengers.

(5) We have re-drafted the provisos as follows:—

"1. (*a*) Motor lorries not let or plied for hire or reward shall be exempt from tolls other than those levied by a municipal council in the area in which they have the permit for working in accordance with sub-section (3) of section 23.

(*b*) While working outside the said area on special permits, they are liable to both Government and municipal tolls.

(*c*) Such motor lorry shall be exempt from all municipal tolls either of the municipal council within the limits of which the owner resides or of that in the limits of which he carries on business in respect of which the vehicle is used at his option, which shall be exercised at the time of the payment of the tax.

Such motor lorry kept outside the limits of any municipality shall be free from the tolls of the municipality nearest the place of residence of the owner or his principal place of business, as the case may be, provided that such municipality is within a radius of five miles from such place. If the place is equidistant from two municipalities, such motor lorry shall be free from tolls at the municipality elected and declared by the owner at the time of the payment of the tax, provided that the declaration made shall not be subject to variation during the year.

"(2) Motor lorries let or plied for hire shall be exempt from tolls other than those levied by a municipal council in the area in which they have the permit provided that, on roads which the Board may declare as competing with the Railways in respect of traffic, they may be subject to the payment of tolls.

"(3) The provisos to Schedule II C and II D will also be applicable to the cases of vehicles under item 3 above."

22. *Schedule IV C of the Bill.*—(1) We have renumbered this as Schedule II C.

(2). It was suggested by some members that the service tax on motor buses may generally be reduced to Rs. 6 per seat but this was not agreed to by the majority of the Committee. We consider that some concession may be shown in respect of short service buses in rural areas.

We have therefore substituted the following items for those in the schedule :—

		Rs.	a.	Rs.	a.
	Motor cabs other than (3) below "				
	(*a*) licensed to carry in all not more than four persons, ...	30	0	45	0
	(*b*) licensed to carry more than four persons, for every person which the vehicle is so licensed to carry, ...	7	8	11	4
	Motor buses other than (3) below				
	for every person whom the vehicle is licensed to carry				
	(*a*) on routes graded as class I by the Board	7	8	11	4
	(*b*) on routes graded as class II by the Board	6	0	9	0
3.	Motor cabs and motor buses used for hire for a strictly limited purpose ...	25	0	37	8"

(3) We have re-drafted proviso 3 as follows :—

" Motor cabs and motor buses paying service tax shall be exempt from municipal tolls either of the municipal council within the limits of which the owner resides or of that in the limits of which he carries on business in respect of which the vehicle is used, at his option, which shall be exercised at the time of the payment of the tax.

" A motor cab or motor bus kept outside the limits of any municipality shall be free from the tolls of the municipality nearest the place of residence of the owner or his principal place of business, as the case may be, provided that such municipality is within a radius of five miles from such place. If the place is equidistant from two municipalities, the motor cab or motor bus shall be free from tolls at the municipality elected and declared by the owner at the time of the payment of the tax, provided that the declaration made shall not be subject to variation during the year."

23. *Schedule IV D of the Bill* :—(1) We have renumbered this as Schedule II D. Some members were of the opinion that the mileage cess should be fixed at so much per seat per mile and not fixed at six pies per mile irrespective of the seating capacity. After examining the several proposals, the majority of the committee decided to retain the rate as in the schedule.

(2) We have re-drafted tho proviso as follows :— " Motor buses paying the mileage cess are exempt from all tolls levied either by the Government or a municipal council

except those levied at toll bars established on any road or bridge specified in Schedule V or a road or bridge constructed after the coming into force of this Regulation, for the recovery of the amount expended on such road or bridge."

24. In respect of the clause 17 of the Bill as amended, we have inserted the following as Schedule V.

SCHEDULE V.

RECENTLY CONSTRUCTED ROADS AND BRIDGES.

(*Section* 20).

(i)	The road and bridge over	the Cauvery at ~~Gosale~~.
(ii)	do	the Cauvery at Krishnarajasagara.
(iii)	do	the Hemavati at Gorur.
(iv)	do	the Hemavathi at Akki-Hebbal

25. We have made certain verbal changes which ar indicated in the Bill as annexed hereto.

26. As there have been a large number of amend ments, we consider that republication of the Bill i necessary.

BILL AS AMENDED BY THE SELECT COMMITTEE.

N.B.—Portions added by the Select Committee are indicated i italics and portions deleted by them are enclosed in square brackets.

NOTIFICATION.

The Mysore Road Traffic and Taxes Bill.

Whereas it is expedient to make further provisio for the regulation of traffic on roads and to provide fo the levy of certain taxes on motor vehicles;

And whereas it is expedient to amend the law relatin to tolls;

It is hereby enacted as follows :—

PART I—PRELIMINARY.

Short title.

1. (1) This Regulation may be called the Mysor Road Traffic and Taxes Regulation, 193 .

(2) It extends to the whole of Mysore.

(3) It shall come into force on such date as the Government may, by notification in the Official Gazette, direct.

2. In this Regulation, unless there is anything repugnant in the subject or context,—

(1) "the Board" means the Traffic Board constituted under this Regulation;

(2) "licensing officer" means an officer appointed by the Government to exercise the powers and perform the functions of a licensing officer under this Regulation;

(3) "motor bus" means a public service motor vehicle which is used for the carriage of persons and has seating accommodation for eight or more persons inclusive of the driver;

(4) "motor cab" means a public service motor vehicle used for the carriage of persons, other than a motor bus;

(5) "motor car" means a motor vehicle which is not a public service motor vehicle or a motor cycle or a motor lorry;

(6) "motor cycle" means a motor vehicle without a carriage body running on not more than three wheels and weighing not more than eight hundred-weights unladen and includes an auto-wheel and a motor scooter;

(7) "motor lorry" means a motor vehicle which is ordinarily used for the carriage or haulage of goods or goods and passengers and includes a trailer when so used, *but does not include a trailer when drawn by a motor car constructed or adapted solely for the carriage of not more than seven persons including the driver and used for the carriage of their effects*;

(8) "motor vehicle" has the same meaning as in the Mysore Motor Vehicles Regulation, 1928;

(9) "prescribed" means prescribed by rules made under this Regulation;

(10) "private motor vehicle" means any motor vehicle which is not a public service motor vehicle;

(11) "public road" means any street, road, pathway, square, court, alley, passage or riding path over which the public have a right of way, whether a thoroughfare or not and includes the road-way over any public bridge or causeway;

(12) "public service motor vehicle", means a motor vehicle which is let or plied for hire or reward;

(13) "registered owner" means the person in whose name a motor vehicle or trailer is registered under the Mysore Motor Vehicles Regulation, 1928;

(14) "side car" means a wheeled carrier attached to a motor vehicle which motor vehicle rests on not more than two wheels;

(15) "tax" includes a tax, cess or fee imposed under this Regulation or rules thereunder;

(16) "trailer" means any vehicle other than a side car drawn or propelled or intended to be drawn or propelled by a motor vehicle;

(17) "unladen weight" in relation to a motor vehicle or trailer means the weight of the vehicle or trailer including all parts and equipment which are necessary for and ordinarily used with the vehicle or trailer when working. Where alternative parts or bodies are used, the heaviest part or body shall be taken into account for the purpose of calculating the unladen weight; and

(18) "year" means the financial year, "half-year" means the first six months or the second six months of such year and "quarter" means the first three months or the second three months of such half-year.

3. The enactments mentioned in Schedule I are hereby repealed to the exient and in the manner specified in the fourth column thereof.

Provided that (*a*) the said repeal shall not affect the validity of anything done or the liability of any person to pay any sum due from him under the enactments hereby repealed, (*b*) any appointment, notification, notice, order, license, permission, rule, form, tax, fee, cess or rate, made, issued, given or imposed, toll bars established, contracts entered into and suits and other proceedings instituted under enactments hereby repealed, shall, so far as may be, be deemed to have been made, issued, given, imposed established, entered into and instituted under thi Regulation.

PART II—ADMINISTRATIVE.

4. (1) For the purpose of carrying out the provisions of this Regulation, the Mysore Motor Vehicles Regulation, 1928, and the Mysore Highways Regulation, 1920, and the rules made under them, the Government may appoint, subject to the conditions hereinafter provided

(13) "registered owner" means the person in whose name a motor vehicle or trailer is registered under the Mysore Motor Vehicles Regulation, 1928;

(14) "side car" means a wheeled carrier attached to a motor vehicle which motor vehicle rests on not more than two wheels;

(15) "tax" includes a tax, cess or fee imposed under this Regulation or rules thereunder;

(16) "trailer" means any vehicle other th side car drawn or propelled or intended to be drawn or propelled by a moter vehicle;

(17) "unladen weight" in relation to a motor vehicle or trailer means the weight of the vehicle or trailer including all parts and equipment which are necessary for and ordinarily used with the vehicle or trailer when working. Where alternative parts or bodies are used, the heaviest part or body shall be taken into account for the purpose of calculating the unladen weight; and

(18) "year" means the financial year, "half-year" means the first six months or the second six months of such year and "quarter" means the first three months or the second three months of such half-year.

Repeal of certain enactments.

3. The enactments mentioned in Schedule I are hereby repealed to the exient and in the manner specified in the fourth column thereof.

Provided that (*a*) the said repeal shall not affect the validity of anything done or the liability of any person to pay any sum due from him under the enactments hereby repealed, (*b*) any appointment, notification, notice, order, license, permission, rule, form, tax, fee, cess or rate, made, issued, given or imposed, toll bars established, contracts entered into and suits and other proceedings instituted under enactments hereby repealed, shall, so far as may be, be deemed to have been made, issued, given, imposed, established, entered into and instituted under this Regulation.

PART II—ADMINISTRATIVE.

Constitution of the Traffic Board.

4. (1) For the purpose of carrying out the provisions of this Regulation, the Mysore Motor Vehicles Regulation, 1928, and the Mysore Highways Regulation, 1920, and the rules made under them, the Government may appoint, subject to the conditions hereinafter provided

persons, official and non-official, residing within Mysore, to constitute a Traffic Board.

The compo tion of the Traffic Boa

(2) The Board shall, subject to such exceptions and conditions as the Government may from time to time make and impose, include *a representative of the local authorities in the State, and* representatives of the owners of private motor vehicles, the users and proprietors of public service motor vehicles and persons having interests in agriculture, trade or commerce in Mysore.

(3) The manner and mode of selecting such representatives shall be in accordance with rules prescribed in this behalf.

(4) The Government may appoint one of the members of the Board as its Chairman and an officer in the service of the Government who may or may not be a member of the Board as its Secretary.

(5) The Chairman and the members of the Board shall hold office for the prescribed period, provided that the Government may by order at any time remove any member and on such removal his seat on the Board shall become vacant.

(6) Casual or other vacancies in the Board shall be filled up by the Government in accordance with rules prescribed in this behalf.

The duties and power the Board

5. (1) *The Government may by notification invest the Board either absolutely or subject to conditions with such powers as may be necessary for the purposes mentioned in sub-section* (1) *of section* 4.

(2) [(1)] It shall be the general duty of the Board so to exercise its powers as to secure the provision of an adequate and properly co-ordinated system of public service motor transport and for that purpose, while avoiding the provision of unnecessary and wasteful competitive services, to take from time to time such steps as it considers necessary for extending and improving the facilities for such transport in such manner as to provide most efficiently and conveniently for the needs thereof.

(3) [(2)] Subject to such rules as may be prescribed, the Board shall control the number and distribution of public service motor vehicles and for this purpose shall, in particular, perform the following duties, that is to say:

(*a*) From time to time, it shall fix the routes on which public service motor vehicles may be permitted to ply;

(*b*) It shall from time to time determine the number of licenses and permits to be granted for each route and for this purpose shall be guided by the considerations setforth below ;

(*c*) It shall generally supervise the regulation and control of public service motor vehicles.

(4) [(3)] When determining the number of licenses and permits to be allowed for each of the routes under sub-section (3) (b), the Board shall be guided by the following considerations, that is to say :

(*a*) the suitability and capacity of the road or roads or portions thereof covered by every proposed route for the carriage of public service motor vehicles ;

(*b*) the extent, if any, to which the needs of the proposed routes or any of them are already adequately served ;

(*c*) the extent to which the proposed service is necessary or desirable in the public interest ;

(*d*) the needs of the area as a whole in relation to traffic (including the provision of adequate, suitable and efficient services, the elimination of unnecessary services and the provision of unremunerative services) ; and

(*e*) the co-ordination of all forms of transport including transport by rail.

[(4)] [The Government may by notification invest the Board either absolutely or subject to conditions with such powers as may be necessary for the purposes mentioned in sub-section (1) of section 4, and]

(5) *The Government* may prescribe the mode in which the Board shall conduct its business.

Inquiry by Board.

6. (1) [(5)(*a*)] The Board may hold an inquiry or direct inquiry to be made in regard to any accident arising out of the presence of a motor vehicle on a public road whereby damage or injury has been caused to [any] person, [vehicles] or *property* [animal,] and the Government may invest, by rules, the Board or such person as may be authorised by the Board in this behalf with such powers as may be necessary for the holding of such inquiry *and for summoning and enforcing the attendance of witnesses and compelling the production of documents*, and prescribe the procedure to be followed at such inquiry.

(2) Nothing in this [sub] section shall be construed as in any way affecting, amending or modifying the

provision of any other enactment relating to the holding of inquiries into such accidents by the Police or any other authority.

(3) Any report made by or to the Board as the result of an inquiry under this section shall not be used in evidence by or on behalf of any person by or against whom any legal proceedings are instituted in consequence of the accident to which the inquiry relates.

District Traffic Advisory Committee.

(1) The Government may constitute an advisory committee for each district designated the District Traffic Advisory Committee consisting of the Deputy Commissioner who shall be Chairman and such other members including the President of the District Board as may be appointed by the Government from time to time.

(2) It shall be the duty of the District Traffic Advisory Committee—

(i) to consider, report to and advise the Board on any matter relating to traffic within the district;

(ii) to make representations to the Board with respect to any matter connected with the transport services and facilities in the district which are in the opinion of the committee to be considered by the Board; and

(iii) to consider, report to and advise the Board on any other matters which are referred to them by the Board."

PART III—TAXATION.

Imposition of taxes on motor vehicles

8. [6.] The Government may, by notification in the Official Gazette, from time to time direct the levy of any or all of the following taxes on motor vehicles *used or* kept for use in Mysore at rates not exceeding those prescribed in Schedule II [IV] (A) to (D) and subject to the privileges, conditions, exemptions and limitations specified therein, that is to say—

(*a*) a vehicle tax on motor cycles, [and] motor cars *and* motor *lorries used solely for purposes of agriculture*,

(*b*) a road tax on motor lorries,

(*c*) a service tax on public service motor vehicles used for carrying passengers, and,

(*d*) a mileage cess on motor buses.

Payment of tax and issue of license.

9. [7.] (1) Upon the issue of a notification under section 8, [6] no motor vehicle shall be used on any public

road in Mysore unless the registered owner or the person having possession or control thereof has obtained a license under sub-section (6) in respect of the vehicle.

(2) The vehicle tax imposed under section 8 [6] shall be payable for the year and in advance by *the registered owner or* the person [who keeps] *having possession or control of the* [a] motor vehicle [for use].

Provided that the Government may by notification allow [half-yearly period] payment of the tax *for half-yearly periods* at the rate of half the tax payable for the year.

(3) Taxes other than the vehicle tax shall be payable for the quarter and in advance [by the person who keeps a motor vehicle for use]. [Such person may pay in advance.] The taxes due for two or more consecutive quarters *of* [in] the same year *may be paid in advance.*

(4) Where a tax other than a vehicle tax for any motor vehicle has been paid for any quarter and the vehicle has not been used during the whole of that quarter or a continuous part thereof, not being less than one calendar month, a refund of the tax at such rates as may from time to time be notified by the Government shall be payable subject to such conditions as may be specified in such notification.

(5) Notwithstanding anything contained in sub-section (1), no person shall be liable to tax during any period on account of any taxable motor vehicle, the tax due in respect of which for the same period has already been paid by some other person.

(6) When any person pays the amount of tax due in respect of any taxable motor vehicle in Mysore or proves to the satisfaction of the licensing officer that no tax is payable in respect of any motor vehicle, the licensing officer shall—

(i) grant to such person a license, in such form as may be notified by the Government, to use the vehicle on public roads in Mysore for the period or periods concerned; and

(ii) record that the tax has been paid for a specified period or periods or that no tax is payable in respect of the vehicle as the case may be in the certificate of registration granted or renewed in respect of the vehicle under the rules made by the Government under the Mysore Motor Vehicles Regulation, 1928, or in the case of vehicles not registered under the said rules in a certificate in such form as may be notified by the Government.

Provided that the Government may exempt from the provision of this sub-section any person who has been exempted from the payment of tax in respect of any motor vehicle and prescribe the manner in which such exemption from payment of tax is to be indicated.

Carriage of license on vehicle

10. [8] (1) The license granted in respect of a motor vehicle under sub-section (6) of section 9 [7] shall be exhibited upon the vehicle in such manner as may be notified by the Government and if such a license is not so carried upon such vehicle the registered owner or the person having possession or control thereof shall be punishable with fine which may extend to fifty rupees.

(2) The person in charge of any motor vehicle on any public road shall cause the vehicle to stop and to remain stationary so long as may reasonably be necessary when required to do so by any officer under the control of the Board empowered in this behalf by the Government or any police officer in uniform who is not below the rank of Sub-Inspector or who being below such rank is empowered in this behalf by the Inspector-General of Police or the District Magistrate for the purpose of satisfying himself that a license has been obtained in respect of such vehicle for the period then current.

(3) Any person failing to stop a motor vehicle when required to do so by a Police Officer or any other officer empowered under sub-section (2) shall be punishable with fine which may extend to fifty rupees.

Penalty for failure to pay tax.

11. [9] If a tax due in respect of any motor vehicle has not been paid, the registered owner or the person having possession or control thereof shall be punishable with fine which may extend to fifty rupees; and the amount of the tax due by him in respect of such vehicle shall also be recovered as if it were a fine.

Recovery of tax as an arrear of land revenue.

12. [10]. Any tax under this Regulation may also be recovered in the same manner as an arrear of land revenue. The motor vehicle in respect of which the tax is due or its accessories may be distrained or sold in pursuance of this section, whether such vehicle or accessories be or be not in the possession or control of the person liable to pay the tax.

Exemption.

13. [11]. The Government may by notification in the Official Gazette make an exemption, reduction in the rate or other modification in regard to a tax payable—

(i) by any person or class of persons, or

(ii) in respect of any motor vehicle or class of motor vehicles

PART IV.—TOLLS

Power to cause levy of tolls on roads and bridges and to appoint collectors.

14. [12]. Subject to the rules prescribed by the Government in this behalf, the Government may cause such rates of tolls not exceeding those mentioned in Schedule III [II] hereto annexed, to be levied on any public road or bridge in Mysore, which has been, or shall hereafter be constructed or repaired at the expense of the Government, or any District Board constituted under the Mysore District Boards Regulation, 1926, and may place the collection of such tolls under the management of such persons as may appear to them proper, and all persons employed in the management and collection of such tolls shall be liable to the same responsibility as would belong to them if employed in the collection of the land revenue.

Establishment of toll-bars.

15. [13]. The Government may, from time to time declare the roads on which and the places where tolls shall be levied, and may abolish the collection of tolls on roads on which such tolls have been declared leviable, and may authorise the erection or removal of any toll bar for the purpose of carrying out the provisions of this section.

Provided that when it is proposed to establish a new toll bar on a road maintained by a District Board or to abolish an existing toll bar on such a road such District Board shall be given an opportunity of expressing its opinion on the proposal, before a decision is come to.

16. [14]. (1) In the case of non-payment of any such toll on demand, the persons appointed or duly authorised to collect the same may seize any of the *vehicles* [carriages] or animals on which it is chargeable or any part of their burden of sufficient value to defray the toll.

(2) If any such toll remains undischarged for twenty-four hours after the property has been seized *under* [as stated in] sub-section (1), the said property shall after twenty-four hours notice exclusive of Sunday or any public holiday, be sold by public auction for discharge of the toll and all expenses occasioned by such non-payment seizure and sale, by order of the officer authorised to superintend the collection of the said toll, who *shall* [may] cause any balance that may remain to be returned, on demand, to the owner of the property.

Provided that, if at any time before the sale has actually begun, the person whose property has been seized shall tender the amount of all the expenses incurred, and of double the toll payable by him, the said officer shall forthwith release the property seized. Release of seized property on tender of dues.

(3) Any amount due on account of toll may also be recovered in the same manner as an arrear of land revenue.

17. *No person shall with intent to evade payment of toll cause a vehicle or animal to leave a road on which a toll bar has been placed and pass over any land within a quarter of a mile therefrom, such land not being either a public road or land of which such person is the owner or occupier.* Evasion of payment of tolls.

18. [15]. Every person, other than the persons appointed or duly authorised to collect tolls under this Regulation, who shall levy or demand any toll on any public road or bridge, or for passing through any bazaar situated thereon, and also every person who shall unlawfully and extortionately demand, or take any other or higher toll than the lawful toll, or under colour of this Regulation seize or sell any property knowing such seizure or sale to be unlawful or in any manner unlawfully extort money or any valuable thing from any person under colour of this Regulation shall [be liable] on conviction before a Magistrate [to] *be punishable with* imprisonment for a term which may extend to six months or with fine which may extend to two hundred rupees, any part of which fine may be awarded by the Magistrate to the person aggrieved. Penalty.

19. [16]. Any person who fraudulently or forcibly passes any toll bar without paying the proper toll, or who obstructs the person appointed or duly authorised to collect the toll in the discharge of his duties, shall [be liable,] on conviction before a Magistrate, [to] *be punishable with* imprisonment for [any] a term [not exceeding] *which may extend to* three months or [to a] *with* fine [not exceeding] *which may extend to* fifty rupees. Penalty for fraudulently passing a toll bar.

20. [17]. (1) Subject to such conditions as may be prescribed by the Government in this behalf any person may, in respect of a motor cycle, motor car or motor cab belonging to him pay in lieu of all tolls other than those levied at toll bars established on *any road or bridge specified in Schedule V or a road or bridge constructed after the coming into force of this Regulation* [a road Composition of tolls.

newly constructed] for the recovery of the amount expended upon such road *or bridge*, a quarterly composition fee at rates not exceeding the maxima specified in Schedule IV A [III.] The payment of such composition fee shall exempt such vehicle from tolls levied by any municipal council.

(2) The composition fee payable under sub-section (1) shall be paid for the quarter and in advance.

(3) Any such person may pay in advance the composition fee payable under sub-section (1) for two or more consecutive quarters in the same year. When the fee is so paid, such rebate shall be allowed as may, from time to time, be notified by the Government.

Composition of tolls in respect of a single toll bar.

21. *Subject to such conditions as may be prescribed by the Government in this behalf any person may, in respect of any of the following vehicles belonging to him, namely,* (a) *a motor cycle or* (b) *a motor car not exceeding 30 cwt. in weight unladen and constructed or adapted for the carriage of not more than seven persons including the driver or* (c) *a motor bus or* (d) *a cart drawn by a single bullock or two bullocks, pay in lieu of all tolls payable at any one toll bar established under this Regulation other than a frontier toll bar an annual composition fee at rates not exceeding the maxima specified in Schedule* IV (B).

Provided that such composition under this section shall not

(i) *be allowed in respect of more than one toll bar for any such motor cycle, motor car, motor bus or cart, and*

(ii) *exempt such cart from tolls when laden with timber.*

22. [18] The Government may by notification in the Official Gazette make an exemption, reduction in the rate or other modification in regard to toll payable,

(*i*) by any person or class of persons, and

(*ii*) in respect of any vehicle or animal or of vehicles or animals.

PART V.

LORRIES.

23. [19.] (1) No person shall use a motor lorry on a public road, except under a permit granted by the prescribed authority.

Provided that, if at any time before the sale has actually begun, the person whose property has been seized shall tender the amount of all the expenses incurred, and of double the toll payable by him, the said officer shall forthwith release the property seized.

Release of seized property on tender of dues.

(3) Any amount due on account of toll may also be recovered in the same manner as an arrear of land revenue.

Evasion of payment of tolls.

17. *No person shall with intent to evade payment of toll cause a vehicle or animal to leave a road on which a toll bar has been placed and pass over any land within a quarter of a mile therefrom, such land not being either a public road or land of which such person is the owner or occupier.*

Penalty.

18. [15]. Every person, other than the persons appointed or duly authorised to collect tolls under this Regulation, who shall levy or demand any toll on any public road or bridge, or for passing through any bazaar situated thereon, and also every person who shall unlawfully and extortionately demand, or take any other or higher toll than the lawful toll, or under colour of this Regulation seize or sell any property knowing such seizure or sale to be unlawful or in any manner unlawfully extort money or any valuable thing from any person under colour of this Regulation shall [be liable] on conviction before a Magistrate [to] *be punishable with* imprisonment for a term which may extend to six months or with fine which may extend to two hundred rupees, any part of which fine may be awarded by the Magistrate to the person aggrieved.

Penalty for fraudulently passing a toll bar.

19. [16]. Any person who fraudulently or forcibly passes any toll bar without paying the proper toll, or who obstructs the person appointed or duly authorised to collect the toll in the discharge of his duties, shall [be liable,] on conviction before a Magistrate, [to] *be punishable with* imprisonment for [any] a term [not exceeding] *which may extend to* three months or [to a] *with* fine [not exceeding] *which may extend to* fifty rupees.

Composition of tolls.

20. [17]. (1) Subject to such conditions as may be prescribed by the Government in this behalf any person may, in respect of a motor cycle, motor car or motor cab belonging to him pay in lieu of all tolls other than those levied at toll bars established on *any road or bridge specified in Schedule V or a road or bridge constructed after the coming into force of this Regulation* [a road

(2) When a motor lorry is being used on a public road, the driver of the vehicle, if it belongs to him or is in his possession under an agreement for hire, hire-purchase or loan and in any other case the person whose agent or servant the driver is, shall, for the purpose of this part of this Regulation, be deemed to be the person by whom the vehicle is being used.

(3) The Government may, by rules, prescribe the conditions subject to which a permit may be granted under this section. In particular, but without prejudice to the generality of the foregoing powers, such conditions may include all or any of the following, that is to say,

(*a*) a condition that the motor lorry shall be used only in a specified area or between specified places;

(*b*) a condition that certain classes or descriptions of goods only shall be so carried;

(*c*) a condition that goods shall be carried only for specified persons;

(*d*) a condition that the motor lorry shall not carry more than the specified number of persons;

(*e*) when the vehicle is a motor lorry intended to be let or plied for hire or reward, such other conditions as the prescribed authority may think fit to impose in the public interest and with a view to prevent uneconomic competition.

(4) A permit under this section may be revoked or suspended by the prescribed authority by which the permit was granted on the ground that any of the conditions of the permit have not been complied with.

Provided that the said authority shall not revoke or suspend a permit unless he is satisfied after giving the holder of the permit an opportunity of being heard that the permit should be revoked or suspended.

Periodical inspection.

24 [20]. A motor lorry in respect of which a permit is granted under section 23 [19] shall be subject to such periodical inspection as the Government may prescribe.

PART VI—ROAD FUND.

Road Fund.

"25. *All taxes, tolls and fees paid under this Regulation, the Mysore Motor Vehicles Regulation, 1928, and the Mysore Highways Regulation, 1920, shall be credited to a special fund, to be designated the Road Fund, to which*

fund shall also be credited such other sums as the Government may from time to time direct.

Constitution of Road Fund, and charges thereon.

26. *The Road Fund will be debited under the orders of the Government with the following charges, that is to say:—*

(1) *such amount as the Government may from time to time determine on account of the expenses incurred in the carrying into effect of the Regulations mentioned in section 25 and the rules made thereunder,*

(2) *payments made to local authorities under section 32, and*

(3) *allotments made at the discretion of the Government for such other purposes not hereinbefore mentioned as may be consistent with or necessary for the more efficient administration of the Regulations mentioned above or the rules made thereunder.*

Use of Fund.

27. *The proceeds of the Road Fund after deducting the charges under section 26 shall be used on the construction and maintenance of roads and bridges in Mysore.*

Administration of Fund.

28. *The Board shall administer the Road Fund subject to the control of the Government in such manner as may be ordered by the Government from time to time.*"

PART [VI]—VII.

General.

Savings as to vehicles used for agricultural purposes.

29. [21.] No tax under this Regulation other than vehicle tax shall be levied on any motor vehicle used solely for the purposes of agriculture.

Explanation.—A motor vehicle used for transporting agricultural produce *along a public road* shall not, for the purpose of this section *and section 8*, be deemed to be used solely for the purposes of agriculture.

Protection in respect of acts done in good faith.

30. [22.] No prosecution suit or other legal proceeding shall lie against any person for anything in good faith done or intended to be done under this Regulation.

Power of Municipalities to levy taxes on motor vehicles.

31. [23.] Notwithstanding anything contained in the Mysore City, Town and Minor Municipalities Regulations, 1933, no municipal council shall levy (1) a tax on motor vehicles or (2) a toll on such motor vehicles as are exempted from payment of municipal tolls under this Regulation or the rules made thereunder.

32. [24.] (1) From the proceeds of tolls and taxes collected under this Regulation, the Government shall pay annually to each District Board which at the commencement of this Regulation was levying tolls and to each municipal council which at the commencement of this Regulation was levying a vehicle tax on motor vehicles, a sum determined by the Government *after consulting the District Board or the municipal council concerned* as representing the average annual income of each District Board from tolls and of each municipal council from vehicle tax on motor vehicles during the three years ending 30th day of June 193 , after deducting therefrom the expenses of collection which shall be determined by the Government in such manner as it may deem fit.

(2) In determining the amount payable to a local authority under sub-section (1) the Government shall take into account—

(*a*) the arrears of tolls or vehicle tax on motor vehicles left uncollected, which could have been collected;

(*b*) the amounts which the local authority should have paid to any other local authority on account of collections made on behalf of the latter and remaining to be adjusted; and

(*c*) the vehicle tax payable on vehicles owned by the local authority or by its employees in respect of which exemptions were granted by the local authority.

(3) At the end of three years from the commencement of this Regulation, the Government may, after consulting the District Board or Municipal Council concerned, [determine in such manner as may be then rescribed] *prescribe the manner in which and the periods or which* the amount payable thereafter to such District Board or Municipal Council *shall be paid.*

(4) The amount recovered in respect of composition of tolls under section 20 [17] the proceeds of the ervice tax under sub-section (c) of section 8 [6] on al ublic service motor vehicles plying or used solely within municipality, and the proceeds of the mileage cess nder sub-section d) of section 8, [6] shall be apportioned etween the respective local authorities and the Govern nent in such manner as may be determined by rules o rders made in this behalf.

Explanation.—A local authority for the purposes of his sub-section shall mean a District Board, a City Municipal Council or such other Town Municipal Council

or Sanitary Board as the Government may notify in this behalf.

Power of Government to make rules.

33. [25] (1) The Government may, subject to the condition of previous publication [except in respect of rules relating to matters falling under Part IV of this Regulation,] make rules for more effectively carrying out all or any of the purposes of this Regulation.

(2) All rules made under this section shall be published in the Official Gazette and on such publication shall have effect as if enacted in this Regulation.

34. [26.] Whoever contravenes any of the provisions of this Regulation or of any rule made thereunder shall if no other penalty is elsewhere provided in this Regulation for such contravention, be punishable with fine which may extend to one hundred rupees, and in the event of such person having been previously convicted of an offence under this Regulation or any rule made thereunder with fine which may extend to two hundred rupees.

35. [27.] The Government may, subject to the approval of the Legislative Council by a resolution recorded in this behalf alter, add to or cancel any or all of the Schedules II A to IV B of this Regulation and such alteration, addition or cancellation when published in the Official Gazette, shall have the force of law and all references in this Regulation to any of the aforesaid Schedules shall be construed as referring to such Schedules as are for the time being amended in exercise of the power conferred by this section.

36. [28.] No court inferior to that of a Second Class Magistrate shall try any offence punishable under this Regulation or the rules made thereunder, except offences punishable under Part IV of this Regulation or under rules made in respect of matters under the said part.

SCHEDULE I.

Section 3.

Year	No.	Title	Extent of re
1876	274	Chief Commissioner's Notification No. 274 of 1876.	The whole
1926	III	The Mysore District Boards Regulation.	Section 66 ar Schedule II

SCHEDULE [II] III.

(Section 14 [12].)

Rates of Tolls.

		Rs.	a.
	MOTOR VEHICLES.		
	On every motor cycle with or without side car ...	0	4
2	On every [four wheeled] motor car or motor cab constructed or adapted to carry not more than seven persons including the driver		0
3	On every four wheeled motor car constructed or adapted to carry eight persons or more including the driver	2	0
4	On every *four wheeled* motor bus	2	0
5	On every motor lorry ...	3	0
6	Do heavy motor vehicle, motor vehicle exceeding two tons in weight unladen ...	3	0
[7]	Do vehicle propelled by steam or motor power other than those specified above ...	3	0
[8]	Do vehicle of the categories mentioned in items 5 and 6 above, if laden with timber, [fuel, bamboos or stone] and entering the State at a frontier toll bar	6	0

3. VEHICLES OTHER THAN MOTOR AND STEAM VEHICLES.

On every four wheeled carriage		0	8
Do	two wheeled carriage on springs other than a jutka or ekka	0	4
Do	ekka or jutka laden	0	2
Do	do unladen	0	1
Do	ther vehicle on springs *ex*[in]cluding a tricycle and a bicycle	0	2
Do	art or other vehicle drawn by eight bullocks, buffaloes, horses, ponies, asses or mules, if laden	1	0
Do	cart or other vehicle drawn by eight bullocks, buffaloes, horses, ponies, asses or mules, if not laden	0	8
Do	cart or other vehicle drawn by six bullocks, buffaloes, horses, ponies, asses or mules, if laden...	0	8
Do	cart other vehicle drawn by six bullocks, buffaloes, horses, ponies, asses or mules, if not laden	0	4
Do	cart or other vehicle drawn by four bullocks, buffaloes, horses, ponies, asses, or mules, if laden	0	6

11	On every	cart or other vehicle drawn by four bullocks, buffaloes, horses, ponies, asses, or mules, not laden	0	3	0
12	Do	cart or other vehicle drawn by two bullocks, buffaloes, horses, ponies, asses or mules, if laden	0	4	0
1		cart or other vehicle drawn by two bullocks, buffaloes, horses, ponies, asses or mules if not laden			
14	Do	cart or other vehicle drawn by a single bullock, buffalo, horse, pony, ass or mule, if laden	0	2	0
15	Do	cart or other vehicle drawn by a single bullock, buffalo, horse, pony, ass or mule, if not laden	0	1	0
16	Do	cart or other vehicle, if laden with timber [fuel, bamboos or stone] and entering the State at a frontier toll-bar	3	0	0

C. ANIMALS, PALANQUINS, ETC.

1	On every	buffalo or bullock per head, if laden ...	0	1	0
2	Do	do not laden ...	0	0	6
3	Do	elephant	1	0	0
4	Do	camel, if laden	0	4	0
5	Do	do not laden	0	2	0
6	Do	horse, if laden or ridden	0	1	6
7	Do	horse, if unladen or not ridden	0	0	9
8	Do	thattu or mule, if laden or ridden ...	0	0	9
9	Do	do if unladen or led ...	0	0	6
10	Do	ass, if laden or ridden	0	0	6
[11	Do	ass, if unladen or led	0	0	3]
[12	Do	sheep, goat or pig	0	0	1]
11 [13]	Do	palanquin, dooly, palna or tonjon with two bearers or rickshaw	0	2	0
12 [14]	Do	palanquin, dooly, palna or tonjon with more than two bearers	0	4	0

...le the rate of tolls prescribed above may be levied in ...e case of carts referred to in items 6, 8, 10, 12, and 14 ... B. if laden and entering the State at a frontier toll-bar. ...le the rate of tolls prescribed above may be levied in ...e case of carts referred to in items 6, 8, 10, 12 and 14 of ..., when such carts are laden with timber.

Government may prescribe lower rates of tolls than those ...escribed in this schedule on carts fitted with tyres over ... inches in width or with pneumatic tyres.

...ble the rate of tolls prescribed above may be levied in ...se of carts referred to in items 6, 8, 10 and 12 of B. ...hen such carts are loaded with timber or stones]

...Government may prescribe a lower rate of tolls on ...rts with tyres over 2½" wide than on carts with nar...wer tyres.]

SCHEDULE [III] IV—A.

Section 20. [17].

Rate of fee for composition of tolls on Motor Vehicles.

Classes of vehicles	Fees per quarter: For vehicles fitted with pneumatic tyres on all wheels			For other vehicles		
	Rs.	a.	p.	Rs.	a.	p.
1. *Motor cycles-*						
(a) Motor cycles with two wheels ...	7	8	0	10	0	0
(b) Ditto, if used for drawing a trailer or side car	10	0	0	12	8	0
(c) Motor cycles with three wheels ...	10	0	0	12	8	0
2. *Motor cars and motor cabs.*						
(a) Weighing not more than 15 cwts., unladen	17	8	0	25	0	0
(b) Weighing more than 15 cwts. but not more than 30 cwts, unladen ...	25	0	0	37	8	0
(c) Weighing more than 30 cwts. but not more than 45 cwts, unladen ...	32	8	0	50	0	0
(d) Weighing more than 45 cwts. but not more than 60 cwts, unladen ...	40	0	0	60	0	0
(e) Weighing more than 60 cwts., unladen	50	0	0	75	0	0
(f) Additional fee payable in respect of such vehicles when used for drawing trailers—						
(i) For each trailer not exceeding 1 ton in weight, unladen ...	10	0	0	15	0	0
(ii) For each trailer exceeding one ton in weight, unladen	20	0	0	30	0	0
Provided that two or more vehicles shall not be chargeable under this class in respect of the same trailer.						

SCHEDULE IV B.

(Section 21).

te of fee for composition in respect of a single toll bar for certain vehicles.

Class of vehicle	*Amount of annual fee*		
	Rs.	*a.*	*p.*
(a) *Motor*	*15*	*0*	*0*
(b) *Motor cars weighing not more than 30 cwt. in weight unladen and not constructed or adapted to carry more than seven persons including the driver* ...	*30*	*0*	*0*
(c) *Motor buses*	*20*	*0*	*0*
(d) *Carts drawn by a single bullock or two bullocks* ...	*7*	*8*	*0*

SCHEDULE II [IV] A.

The Vehicle Tax.—(Section) 8 [6] (a)).

	Class of Vehicles	*Annual Tax* Rs
	Motor Cycles	
	Motor cars, constructed or adapted to carry in all no more than seven persons including the driver—	
	(a) Weighing not more than 15 cwts., unladen ...	30
	(b) Weighing more than 15 cwts, unladen	40
3	Motor cars constructed or adapted to carry eight persons or more including the driver	60
4	For heavy motor cars, *i.e.*, motor cars exceeding two tons in weight, unladen	100
5	*Motor Lorries used solely for purposes of agriculture* ...	60

Privileges and Exemptions.

The vehicle shall be exempt from all municipal tolls.

[*Privileges and exemptions which a vehicle is entitled to and the conditions and limitations therefor.*

[1. The vehicle shall be exempt from Municipal tolls either of the Municipal Council within the limits of which the owner resides or of that in the limits of which he carries on business in respect of which the vehicle is used, at his option, which shall be exercised at the time of the payment of the tax.

[A vehicle kept outside the limits of any municipality shall be free from the tolls of the municipality nearest the place of residence of the owner or his principal place of business, as the case may be, provided that such municipality is within a radius of five miles from such place. If the place is equidistant from two municipalities, the vehicle shall be free from tolls at the municipality elected and declared by the owner at the time of the payment of the tax, provided that the declaration made shall not be, subject to variation during the year.

[2. The vehicle shall continue to have all the privileges and exemptions to which it was entitled on payment of the Municipal Vehicle Tax, both in the municipality in which such tax is payable and in other municipalities under any reciprocal arrangements that may have been in force at the commencement of this Regulation.

[3. The exemption from tolls specified above shall apply only at the ordinary toll-gates and shall not apply to *ad-hoc* toll-gates established on a newly constructed public road for the recovery of the amount expended upon such public road and the bridge or causeway, if any, over which it may lie.]

SCHEDULE II [IV] B.

Road Tax.—(Section 8 [6] (b.))

Class of Vehicles	Quarterly tax: Vehicles fitted with pneumatic tyres on all wheels	Other Vehicles
	Rs. a. p.	
r lorries *without trailers* not let plied for hire or reward:		
(*a*) Not exceeding 15 cwt. in weight, unladen	30 0 0	45
(*b*) Exceeding 15 cwt. but not exceeding 25 cwt. in weight, unladen...	50 0 0	70
(*c*) Exceeding 25 cwt. but not exceeding 30 cwt. in weight, unladen...	70 0 0	90
(*d*) Exceeding 30 cwt. but not exceeding 35 cwt. in weight, unladen...	90 0 0	115
(*e*) Exceeding 35 cwt. but not exceeding 50 cwt, in weight, unladen...	112 8 0	150
(*f*) Exceeding 50 cwt. but not exceeding 70 cwt. in weight, unladen...	150 0 0	185
(*g*) Exceeding 70 cwt. but not exceeding 100 cwt. in weight. unladen.	175 0 0	225
(h) *Exceeding 100 cwt. in weight unladen*	250 0 0	*300*
(*j*) [(*h*)] Additional tax payable in respect of such vehicles when used for drawing trailers :		
(i) For each trailer not exceeding 1 ton in weight, unladen ...	60 0 0	85
(ii) For each trailer exceeding 1 ton in weight, unladen ...	125 0 0	150
rovided that two or more vehicles shall not be chargeable under this clause in respect of the same trailer.		
otor lorries let or plied for hire or reward *and used for the carriage or haulage of goods only.*	One and half times the rate prescribed for each respective class of vehicle under 1 above.	

Classes of Vehicles	Quarterly tax	
	Vehicles fitted with pneumatic tyres on all wheels	Other vehicles
3. *Motor lorries let or plied for hire or reward and used for the carriage or haulage of goods and passengers.*	(a) *a tax as on a motor lorry under item* (2) *above, having a weight which bears to the unladen weight of the vehicle the same proportion as the floor area set apart for the carriage of goods bears to the total floor area of the vehicle, together with,* (b) *a service tax calculated at the rate specified in schedule II C for every passenger which the vehicle is licensed to carry, and* (c) *a mileage cess as on motor buses under schedule II D.*	

Explanation.—*Goods in items* 2 *and* 3 *above do not include light personal effects of passengers.*

Provisos.—

"1. (a) *Motor Lorries not let or plied for hire or reward shall be exempt from tolls other than those levied by a municipal council in the area in which they have the permit for working in accordance with sub-section* (3) *of Section* 23.

(b) *While working outside the said area on special permits they are liable to both Government and municipal tolls.*

(c) *Such motor lorry shall be exempt from all municipal tolls either of the municipal council within the limits of which the owner resides or of that in the limits of which he carries on business in respect of which the vehicle is used, at his option which shall be exercised at the time of the payment of the tax.*

such motor lorry kept outside the limits of any municipality shall be free from the tolls of the municipality nearest the place of residence of the owner or his principal place of business, as the case may be, provided that such municipality is within a radius of five miles from such place. If the place is equidistant from two municipalities, such motor lorry shall be free from tolls at the municipality elected and declared by the owner at the time of the payment of the tax, provided that the declaration made shall not be subject to variation during the year.

Class of Vehicles	Quarterly tax	
	Vehicles fitted with pneumatic tyres on all wheels	Other Vehicles
[1. Motor cabs and motor buses other than (2) below :—		
(*a*) Vehicles licensed under the Mysore Motor Vehicle Rules, to carry in all not more than four passengers.	30 0 0	
(*b*) Vehicles licensed under the Mysore Motor Vehicles Rules to carry more than four passengers for every passenger which the vehicle is so licensed to carry.	7 8 0	11 4 0
2. Motor cabs and motor buses used for hire for a strictly limited purpose.	25 0 0	37 8 0]

Provisos.—

1. In the case of motor cabs one seat for the driver and in the case of motor buses two seats, one for the driver and one for the conductor, shall not be taken to account for purposes of calculating this tax.

2. A motor vehicle is said to be [let] *used* for hire for a limited purpose when it satisfies the following conditions :—

(*a*) The vehicle is owned by a public institution like a hotel or school.

(*b*) It is used exclusively for the business of such institution that is, for the conveyance of its members, clients or, workmen.

(*c*) It is used within the limits of the Municipality in which it is kept.

(*d*) It is not available for hire by the general public.

3. *" Motor cabs and motor buses paying service tax shall be exempt from municipal tolls either of the municipal council within the limits of which the owner resides or of that in the limits of which he carries on business in respect of which the vehicle is used, at his option, which shall be exercised at the time of the payment of the tax.*

A motor cab or motor bus kept outside the limits of any municipality shall be free from the tolls of the municipality nearest the place of residence of the owner or his principal place of business, as the case may be, provided that such municipality is within a radius of five miles from such place. If the place is equidistant from two municipalities, the motor cab or motor bus shall be free from tolls at the municipality elected and declared by the owner at the time of the payment of the tax, provided that the declaration made shall not be subject to variation during the year.

[Motor cabs and motor buses paying the service tax shall further be entitled to the privileges and exemptions specified in schedule IV (*a*)].

2. *Motor lorries let or plied for hire or reward shall be exempt from tolls other than those levied by a municipal council in the area in which they have the permit provided that, on roads which the Board may declare as competing with the Railways in respect of traffic, they may be subject to the payment of tolls.*

3. *The provisos to Schedule II C and II D will also be applicable to the cases of vehicles under item 3 above.*"

[1. (*a*) Lorries other than those let or plied for hire shall be exempt from tolls other than those levied by a Municipal Council in the area in which they have the permit for working in accordance with sub-section (3) of section 19.

[(*b*) While working outside the said area on special permits, they are liable to both Government and Municipal tolls.

[(*c*) They shall further be entitled to the privileges and exemptions specified in Schedule IV A.]

[2. Lorries let or plied for hire or reward shall be exempt from tolls other than those levied by a Municipal Council in the area in which they have the permit provided that, on roads which the Board may declare as competing with the Railways in respect of traffic, they may be subject to the payment of tolls.]

SCHEDULE II [IV] C.

Service Tax.—(Section 8 [6] (c)).

Class of vehicles	Quarterly tax	
	Vehicles fitted with pneumatic tyres on all wheels	Other vehicles
	Rs. a. p.	Rs. a. p.
Motor cabs other than (3) below		
(*a*) *licensed to carry in all not more than four persons,*	*30 0 0*	*45 0 0*
(*b*) *licensed to carry more than four persons, for every person whom the vehicle is so licensed to carry.*	7 8 0	11 4 0
Motor buses other than (3) below for every person whom the vehicle is licensed to carry		
(*a*) *on routes graded as class I by the Board,*	7 8 0	11 4 0
(*b*) *on routes graded as class II by the Board.*	6 0 0	9 0 0
Motor cabs and motor buses used for hire for a strictly limited purpose.	25 0 0	37 8 0

SCHEDULE II [IV] D.

Mileage Cess.

Class of Vehicles.	*Rate of Tax.*
Motor buses—	
when plying on ordinary permits as part of a regular service	Six pies per mile.
(*b*) when plying on special permits in other cases	Nine pies per mile.

Proviso.—

"Buses paying the mileage cess are exempt from all tolls levied either by the Government or a municipal council except those levied at toll bars established on any road or bridge specified in Schedule V or a road or bridge constructed after the coming into force of this Regulation, for the recovery of the amount expended on such road or bridge."

[Buses paying the mileage cess are exempt from all tolls levied either by the Government or a Municipal Council, except those levied at toll-gates established on a newly constructed public road for the recovery of the amount expended on such public road and the bridge or causeway, if any, over which it may lie.]

SCHEDULE V.

Recently constructed roads and Bridges.

(Section 20).

(i)	*The road and bridge over* ..	*the Cauvery at T. Narasipur.*
(ii)	*Do*	*the Cauvery at Krishnarajasagara.*
(iii)	*Do*	*the Hemavati at Akki-Hebbal*
(iv)	*Do*	*the Hemavati at Gorur.*

RAJASABHABHUSHANA
R. SRINIVASIENGAR.
RETIRED MEMBER OF COUN

FIFTH ROAD, CHAMARAJAPET

118

Bangalore City, 30-4-1935

Dear Sir,

I herewith return, with my approval, subject to the Note attached hereto, the draft of the Select Committee's Report on the Mysore Road Traffic and Taxes Bill received with your D.O. No.P.5937-49 dated 26th instant.

Yours sincerely,

T. Srinivasa

C. Subramanya Iyer, Esq., B.A., B.L.,
Secretary to the Legislative Council,
BANGALORE.

BICCODE ESTATE,
BELUR-HASSAN P. O.,
MYSORE STATE,
SOUTH INDIA

28-4-35.

The Secretary, Representative Assembly and Legislative Council,

Dear Sir,

Your D.O. letter No. 95937-49 of 26th reached me yesterday. I return the draft report herewith with my general agreement, but should like to add a note as follows : -

Recently Constructed Roads and Bridges : I was under the impression that those over the Cauvery at Krishnarajasagara alone were to come under Schedule V. I consider that the other three mentioned should not be included in the Schedule.

Vehicles and Taxation : I consider that motor vehicles without pneumatic tyres should not be allowed on the roads. If they are to be allowed, I consider all taxes and tolls on them should be double those on corresponding vehicles with pneumatic tyres.

Tolls : I do not consider the provision for lower tolls on bullock carts with pneumatic tyres sufficiently encouraging. Such carts should at least be free of tolls for 10 years.

Municipal Taxation : At the time that the Road Traffic and Taxes Regulation comes into force the power of Municipalities to levy octroi duty on petrol (and any other requirements of motor transport) should cease, the necessary legislation be simultaneous. ."

Yours faithfully,

R. L. Stein

6
30/4/35

CLAUSE 16 (2) OF THE BILL AS REVISED BY THE SELECT COMMITTEE:

When only the actual amount of the toll can be recovered by bringing to sale the properties seized for the purpose, I do not see why double the amount of the toll should be required to be paid, under the proviso, for obtaining the release of the property before sale. In this view, I am of opinion that the words "double the" in line 4 of the proviso may be omitted.

CLAUSE 20 (3):

If it is the intention that rebate should be allowed (as I think it ought to be, as in the Madras Presidency) for portions of a quarter also, the last sentence of this sub-clause should come as a separate sub-clause (4).

CLAUSE 23 (3):

I think that conditions (b) and (c) should not be made applicable to lorries which are licensed to be let out for hire or rewards and that this should be expressly stated.

SCHEDULE II D.

I am of opinion that instead of making the mileage cess uniform for all buses irrespective of their seating capacity, it will be more rational to fix the cess for each bus according to its seating capacity - i.e., at so much per passenger (based on seating capacity) per mile

124

D. O. No. PS-937-49 GENERAL AND REVENUE SECRETARIAT,

Dated, Bangalore 28th April 1935.

Dear Sir,

I am desired to forward herewith the draft of a report of the Select Committee on the Mysore Road Traffic and Taxes Bill and to request that the same may kindly be returned to me with your approval before the end of the month as it has to be published in the Gazette thereafter.

Yours sincerely,

T. S. Kuppuswami Iyengar, Esq.,

Returned with Compliments duly approved.

Bangalore
28-4-35

IV

CITY MUNICIPALITY

Bangalore, dated 29 April 193

Dear Sir,

I am sending herewith the draft of the report of the Select Committee on the Mysore Road Traffic and Taxes Bill so kindly sent by you and I write to say that I fully agree with it.

Yours sincerely,

The Secretary,
Mysore Legislative Council,
Old Public Offices,
Bangalore.

DRAFT REPORT OF THE SELECT COMMITTEE ON THE MYSORE ROAD TRAFFIC AND TAXES BILL.

We, the undersigned members of the Select Committee to which the Mysore Road Traffic and Taxes Bill was referred, have considered the Bill at our meetings held on the 26th and 27th February 1935 and on the 8th, 9th, 13th and 14th March 1935 and have now the honour to submit this our report together with a copy of the Bill as amended by us.

2. *Clause 2* (7). The definition of "motor lorry" as in the Bill would include small trailers used for carrying the personal luggage of private motor car owners. It is the opinion of the Committee that they should be excluded from the definition of "lorries" and not be subject to a heavy road tax. We have therefore added the following words at the end of the definition of "motor lorry":—

"but does not include a trailer when drawn by a motor car constructed or adapted solely for the carriage of not more than seven persons including the driver and used for the carriage of their effects."

3. *Clause 4* (2).—As we consider that it will be useful to have a representative of local bodies on the Traffic Board, we have added the words "a representative of the local authorities in the State and" after the word 'include" in clause 4 (2).

4. *Clause 5 sub-clauses (1) to (4).*—We have split sub-clause (4) of clause 5 into two sub-clauses and re-anged sub-clauses (1) to (4).

Sub-clause (1) will be:—

"The Government may by notification invest the Board either absolutely or subject to conditions with such powers as may be necessary for the purposes mentioned in sub-section (1) of section 4

Sub-clauses (1), (2) and (3) will be renumbered (2), (3), and (4).

A new sub-clause as follows will be added as sub-clause (5).

"The Government may prescribe the mode in which the Board shall conduct its business."

5. *Sub-clause (5) of clause 5 of the Bill.*—(1) The provision regarding holding of enquiries by the Traffic Board may come in as a separate section and we have accordingly numbered sub-clause (5) of clause 5 of the Bill as clause 6.

(2) For facilitating an enquiry, the Board should have power to summon witnesses and documents. We have accordingly redrafted sub-clause (5) (a) of clause of the Bill as follows :—

"6. (1) The Board may hold an inquiry or direct inquiry to be made in regard to any accident arising out of the presence of a motor vehicle on a public road whereby damage or injury has been caused to person or property, and the Government may invest, by rules, the Board or such person as may be authorised by the Board in this behalf with such powers as may be necessary for the holding of such inquiry and for summoning and enforcing the attendance of witnesses and compelling the production of documents, and prescribe the procedure to the followed at such inquiry."

6. We are of opinion that it is necessary and useful to have advisory committees in each district to advise the Traffic Board on traffic and other connected matters in the district. We have accordingly inserted the following new clause as clause 7 regarding the constitution of District Traffic Advisory Committees.

(1) The Government may constitute an advisory committee for each district designated the District Traffic Advisory Committee consisting of the Deputy Commissioner who shall be chairman and such other members including the President of the District Board as may be appointed by the Government from time to time.

(2) It shall be the duty of the District Traffic Advisory Committee—

(i) to consider, report to and advise the Board on any matter relating to traffic within the district;

(ii) to make representations to the Board with respect to any matter connected with the transport services and facilities in the district which are in the opinion of the committee to be considered by the Board, and

(iii) to consider, report to and advise the Board on any other matters which are referred to them by the Board."

7. *Clause 6 of the Bill.*—(1) We have added the words "used or" between the words "vehicles" and "kept for use" in order to make it clear that liability to taxation arises from the use of public roads in Mysore.

(2) Since under clause 21 of the Bill motor vehicles used solely for purposes of agriculture are exempted from all taxes except vehicle tax and since we are of opinion that lorries used for such purposes should be subject to a vehicle tax, we have inserted the words "and motor lorries used solely for purposes of agriculture" after the words "motor cars" in item (*a*), deleting the word "and" between "motor cycles" and "motor cars."

8. *Clause 7 of the Bill.*—(1) In sub-clause (2) we have substituted the words "by the registered owner or the person having possession or control of the motor vehicle" for the words "by the person who keeps a motor vehicle for use," so that the wording may be uniform with sub-clause (1) of clause 7 and clauses 8 and 9 of the Bill.

(2) Sub-clause (3) has been re-drafted as follows:—

"Taxes other than the vehicle tax shall be payable for the quarter and in advance. The taxes due for two or more consecutive quarters of the same year may be paid in advance."

9. *Clause 12 of the Bill.*—Some of the members of the committee considered that a specific provision exempting bullock carts from tolls should be incorporated in clause 12. The majority of the committee were of the opinion that it was not desirable to embody in the Regulation an exemption in respect of one category of vehicles and that as the existing exemptions in respect of bullock carts have been granted by executive orders of the Government, these exemptions may be continued by the Government under the powers vested in them by clause 18 of the Bill. Further these carts are at present subject to the levy of tolls at the District Fund toll gates of certain districts and the statutory exemption of all bullock carts from the payment of tolls would raise difficulties in the matter of the amount of compensation payable to District Boards for loss of toll revenue.

10. *Clause 13 of the Bill.*—It is considered desirable that before deciding to establish a new toll bar on a road

maintained by the District Board or to abolish an existing toll bar on such road the District Board should be given an opportunity of expressing its view. We have therefore added the following proviso to this clause.

"Provided that when it is proposed to establish a new toll bar on a road maintained by a District Board or to abolish an existing toll bar on such a road such District Board shall be given an opportunity of expressing its opinion on the proposal, before a decision is come to."

11. The payment of toll is sometimes evaded by leaving the road on which a toll bar has been located and passing over land adjacent to the toll bar. In order to prevent such evasion, we consider it desirable to prohibit vehicles or animals from passing over land within a radius of two furlongs from the toll bar without payment of toll. We have therefore added a clause as follows after clause 14 of the Bill. This is in accordance with section 109 of the Madras Local Boards Act (1920).

"Evasion of payment of tolls.

"No person shall with intent to evade payment of toll cause a vehicle or animal to leave a road on which a toll bar has been placed and pass over any land within a quarter of a mile therefrom, such land not being either a public road or land of which such person is the owner or occupier."

12. *Clause* 17 (1) *of the Bill.*—The words "newly constructed" in this clause are not sufficiently definite. The intention is that the composition of tolls under this clause will apply only to the ordinary toll bars and will not cover tolls leviable at *ad hoc* toll bars established on recently constructed public roads and bridges for the recovery of the amount expended upon them. It is the opinion of the Committee that such tolls not covered by the composition fee under this clause should be limited to those levied at the toll bars on the Hemavati bridge at Akkihebbal, on the Cauvery bridge at T. Narasipur, on the Hemavati bridge at Gorur and on the Krishnarajasagara Dam and to those that may be established hereafter over roads or bridges constructed after the coming into force of this Regulation. We have therefore substituted for the words "on a road newly constructed" in clause 17 (1), the following words:—

"on any road or bridge specified in Schedule V or a road or bridge constructed after the coming into force of this Regulation."

(2) We have added a Schedule IV B after Schedule II of the Bill indicating an annual composition fee in respect of any one toll bar at the following rates :—

		Rs.	a.	p.
Motor cycles .	....	15	0	0
Motor cars	....	30	0	0
Motor buses	....	200	0	0
Carts	....	7	8	0

14. We consider it necessary that all taxes, tolls and fees collected under this Regulation should be credited to a special fund called the "Road Fund" and the proceeds thereof after deducting all charges thereon and payments to be made to local authorities under clause 24 of the Bill should be used on the construction and maintenance of roads and bridges in Mysore. Further, it is our opinion that the Traffic Board should have administrative powers over the Road Fund, subject to the control of the Government. Accordingly, we have inserted the following clauses as a separate part after Part V in regard to the constitution of the Road Fund.

"PART VI—ROAD FUND.

"25. All taxes, tolls and fees paid under this Regulation, the Mysore Motor Vehicles Regulation, 1928, and the Mysore Highways Regulation, 1920, shall be credited to a special fund, to be designated the Road Fund, to which fund shall also be credited such other sums as the Government may, from time to time, direct.

"26. The Road Fund will be debited under the orders of the Government with the following charges, that is to say,

(1) such amount as the Government may, from time to time, determine on account of the expenses incurred in the carrying into effect of the Regulations mentioned in section 25 and the rules made thereunder,

(2) payments made to local authorities under section 32, and

(3) allotments made at the discretion of the Government for such other purposes not hereinbefore mentioned as may be consistent with or necessary for the more efficient administration of the Regulations mentioned above or the rules made thereunder.

(2) We have added a Schedule IV B after Schedule II of the Bill indicating an annual composition fee in respect of any one toll bar at the following rates :—

		Rs.	a.	p.
Motor cycles .	....	15	0	0
Motor cars	....	30	0	0
Motor buses	..	200	0	0
Carts	....	7	8	0

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(2) payments made to local authorities under section 32, and

(3) allotments made at the discretion of the Government for such other purposes not hereinbefore mentioned as may be consistent with or necessary for the more efficient administration of the Regulations mentioned above or the rules made thereunder.

(*d*) In Item 8 of A, we have deleted the words "fuel, bamboos, or stone."

(*e*) *Item 5 of B.*—We consider that tricycles and bicycles need not be made liable to toll. We have therefore substituted the word "excluding" for "including" in this item.

(*f*) *Item 16 of B.*—We have deleted the words "fuel, bamboos or stone," imposing toll at this rate only on carts laden with timber.

(*g*) We have deleted items 11 & 12 of C.

(*h*) We have re-drafted the provisos herein as follows:—

(1) "Double the rate of tolls prescribed above may be levied in the case of carts referred to in items 6, 8, 10 12 and 14 of B, if laden and entering the State at a frontier toll bar.

(2) Double the rate of tolls prescribed above may be levied in the case of carts referred to in items 6, 8, 10, 12 and 14 of B when such carts are laden with timber.

(3) The Government may prescribe lower rates of tolls than those prescribed in this schedule on carts fitted with tyres over 2½ inches in width or with pneumatic tyres."

19. *Schedule III of the Bill.*—(1) This is re-numbered as Schedule IV A.

(2) In regard to new section 21 which we have inserted, we add the following new schedule:—

"SCHEDULE IV B. (*Section 21*).

Rate of fee for composition in respect of a single toll bar for certain vehicles.

Class of vehicle	*Amount of annual fe*		
	Rs.	a.	p.
(*a*) Motor cycles	15	0	0
(*b*) Motor cars weighing not more than 30 cwt. in weight unladen and not constructed or adapted to carry more than seven persons including the driver.	30	0	0
(*c*) Motor buses	200	0	0
(*d*) Carts drawn by a single bullock or two bullocks ..	7	8	0"

20. *Schedule IV A of the Bill.*—(1) This is re-numbered as Schedule II A.

"27. The proceeds of the Road Fund after deducting the charges under section 26 shall be used on the construction and maintenance of roads and bridges in Mysore.

"28 The Board shall administer the Road Fund subject to the control of the Government in such manner as may be ordered by the Government from time to time."

15. (1) *Clause* 21 *of the Bill.*—In the explanation to this clause, we have added the words "along a public road" after the word "produce" and the words "and section 8" after the words "this section."

(2) Some of the members suggested that only a motor vehicle for hire used for transport of agricultural produce should not be deemed to be used solely for the purposes of agriculture. The majority were of the opinion that the explanation to this clause may stand as it is.

16. *Clause* 24 *of the Bill.*—(1) We have added the words "after consulting the District Board or Municipal Council concerned" after the words "a sum determined by the Government" in sub-clause (1).

(2) *Sub-clause* (3).—The Committee are of the opinion that there should be periodical revisions of the amounts payable to the local authorities. We have therefore re-drafted sub-clause (3) as follows :—

"At the end of three years from the commencement of this Regulation, the Government may, after consulting the District Board or Municipal Council concerned, prescribe the manner in which and the periods for which the amount payable thereafter to such District Board or Municipal Council shall be paid."

17. *Clause* 25 *of the Bill.*—We are of opinion that the condition of previous publication may be applied to rules made in respect of tolls also. We have therefore deleted the words "except in respect of rules relating to matters falling under Part IV of this Regulation."

18. *Schedule II of the Bill.*—This has been renumbered as Schedule III.

(*a*) In item 2 of A, the words "four wheeled" have been omitted.

(*b*) In item 4 of A, the words "four wheeled" have been inserted between the words "every" and "motor bus."

(*c*) We have deleted item 6.

(2) In pursuance of the amendment proposed in clause 6 of the Bill, we have added the following new item as item 5 :—

	Annual tax. Rs.
Motor Lorries used solely for purposes of agriculture.	60 "

(3) The Committee are of opinion that on payment of the vehicle tax, a motor vehicle should be exempt from tolls at all the municipal toll bars in the State. We have therefore deleted " Privileges, etc.," and items 1 to 3 thereunder and inserted the following :—

" *Privileges and Exemptions.*—The vehicle shall be exempt from all municipal tolls."

21. *Schedule IV B of the Bill.*—(1) This has been re-numbered as Schedule II B.

(2) We have added the words " without trailers " after the words " motor-lorries " in item 1.

(3) We have added the following after item (g) :—

	Rs.
" exceeding 100 cwt. in weight unladen ...	250 300

(4) Since the schedule does not cover the cases of motor lorries used for the carriage of goods and also passengers, we have made the following changes :—

The words " and used for the carriage or haulage of goods only " are added after the word " reward " in item 2.

The following is inserted as item 3 :—

" 3. Motor lorries let or plied for hire or reward and used for the carriage or haulage of goods and passengers—

(*a*) a tax as on a motorlorry under item (2) above, having a weight which bears to the unladen weight of the vehicle the same proportion as the floor area set apart for the carriage of goods bears to the total floor area of the vehicle, together with,

(*b*) a service tax calculated at the rate specified in schedule II C for every passenger which the vehicle is licensed to carry, and

(*c*) a mileage cess as on motor buses under Schedule II D.

Explanation.—Goods in items 2 and 3 above do not nclude light personal effects of passengers.

(5) We have re-drafted the provisos as follows :—

1. (*a*) Motor lorries not let or plied for hire or reward shall be exempt from tolls other than those levied by a municipal council in the area in which they have the permit for working in accordance with sub-section (3) of section 23.

(*b*) While working outside the said area on special permits, they are liable to both Government and municipal tolls.

(*c*) Such motor lorry shall be exempt from all municipal tolls either of the municipal council within the limits of which the owner resides or of that in the limits of which he carries on business in respect of which the vehicle is used at his option, which shall be exercised at the time of the payment of the tax.

Such motor lorry kept outside the limits of any municipality shall be free from the tolls of the municipality nearest the place of residence of the owner or his principal place of business, as the case may be, provided that such municipality is within a radius of five miles from such place. If the place is equidistant from two municipalities, such motor lorry shall be free from tolls at the municipality elected and declared by the owner at the time of the payment of the tax, provided that the declaration made shall not be subject to variation during the year.

"(2) Motor lorries let or plied for hire shall be exempt from tolls other than those levied by a municipal council in the area in which they have the permit provided that, on roads which the Board may declare as competing with the Railways in respect of traffic, they may be subject to the payment of tolls.

"(3) The provisos to Schedule II C and II D will also be applicable to the cases of vehicles under item 5 above."

22. *Schedule IV C of the Bill.*—(1) We have renumbered this as Schedule II C.

(2). It was suggested by some members that the service tax on motor buses may generally be reduced to Rs. 6 per seat but this was not agreed to by the majority of the Committee. We consider that some concession may be shown in respect of short service buses in rural areas.

We have therefore substituted the following items for those in the schedule :—

	Rs.	a.	Rs.	a.
"1. Motor cabs other than (3) below"				
(*a*) licensed to carry in all not more than four persons, ...	30	0	45	0
(*b*) licensed to carry more than four persons, for every person which the vehicle is so licensed to carry, ...	7	8	11	4
2. Motor buses other than (3) below				
for every person whom the vehicle is licensed to carry				
(*a*) on routes graded as class I by the Board	7	8	11	4
(*b*) on routes graded as class II by the Board	6	0	9	0
3. Motor cabs and motor buses used for hire for a strictly limited purpose ...	25	0	37	8"

(3) We have re-drafted proviso 3 as follows :—

"Motor cabs and motor buses paying service tax shall be exempt from municipal tolls either of the municipal council within the limits of which the owner resides or of that in the limits of which he carries on business in respect of which the vehicle is used, at his option, which shall be exercised at the time of the payment of the tax.

"A motor cab or motor bus kept outside the limits of any municipality shall be free from the tolls of the municipality nearest the place of residence of the owner or his principal place of business, as the case may be, provided that such municipality is within a radius of five miles from such place. If the place is equidistant from two municipalities, the motor cab or motor bus shall be free from tolls at the municipality elected and declared by the owner at the time of the payment of the tax, provided that the declaration made shall not be subject to variation during the year."

23. *Schedule IV D of the Bill* :—(1) We have renumbered this as Schedule II D. Some members were of the opinion that the mileage cess should be fixed at so much per seat per mile and not fixed at six pies per mile irrespective of the seating capacity. After examining the several proposals, the majority of the committee decided to retain the rate as in the schedule.

(2) We have re-drafted the proviso as follows :—

"Motor buses paying the mileage cess are exempt from all tolls levied either by the Government or a municipal council

except those levied at toll bars established on any road or bridge specified in Schedule V or a road or bridge constructed after the coming into force of this Regulation, for the recovery of the amount expended on such road or bridge."

24. In respect of the clause 17 of the Bill as amended, we have inserted the following as Schedule V.

SCHEDULE V.

RECENTLY CONSTRUCTED ROADS AND BRIDGES.

(*Section* 20).

(i)	The road and bridge over	the Cauvery at Sosale.
(ii)	do	the Cauvery at Krishnarajasagara.
(iii)	do	the Hemavati at Gorur.
(iv)	do	the Hemavathi at Akki-Hebbal

25. We have made certain verbal changes which are indicated in the Bill as annexed hereto.

26. As there have been a large number of amendments, we consider that republication of the Bill is necessary.

BILL AS AMENDED BY THE SELECT COMMITTEE.

N.B.—Portions added by the Select Committee are indicated in italics and portions deleted by them are enclosed in square brackets.

NOTIFICATION.

The Mysore Road Traffic and Taxes Bill.

Preambl.

Whereas it is expedient to make further provision for the regulation of traffic on roads and to provid the levy of certain taxes on motor vehicles;

And whereas it is expedient to amend the law relating to tolls;

It is hereby enacted as follows :—

PART I—PRELIMINARY.

Short title.

(1) This Regulation may be called the Mysore Road Traffic and Taxes Regulation, 193

(2) It extends to the whole of Mysore. Local extent.

(3) It shall come into force on such date as the Government may, by notification in the Official Gazette, direct. Commencement.

2. In this Regulation, unless there is anything repugnant in the subject or context,— Definitions.

(1) "the Board" means the Traffic Board constituted under this Regulation;

(2) "licensing officer" means an officer appointed by the Government to exercise the powers and perform the functions of a licensing officer under this Regulation;

(3) "motor bus" means a public service motor vehicle which is used for the carriage of persons and has seating accommodation for eight or more persons inclusive of the driver;

(4) "motor cab" means a public service motor vehicle used for the carriage of persons, other than a motor bus;

(5) "motor car" means a motor vehicle which is not a public service motor vehicle or a motor cycle or a motor lorry;

(6) "motor cycle" means a motor vehicle without a carriage body running on not more than three wheels and weighing not more than eight hundred-weights unladen and includes an auto-wheel and a motor scooter

(7) "motor lorry" means a motor vehicle which is ordinarily used for the carriage or haulage of goods or goods and passengers and includes a trailer when so used; *but does not include a trailer when drawn by a motor car constructed or adapted solely for the carriage of not more than seven persons including the driver and used for the carriage of their effects*;

(8) "motor vehicle" has the same meaning as in the Mysore Motor Vehicles Regulation, 1928;

(9) "prescribed" means prescribed by rules made under this Regulation;

(10) "private motor vehicle" means any motor vehicle which is not a public service motor vehicle

(11) "public road" means any street, road, pathway, square, court, alley, passage or riding path over which the public have a right of way, whether a thoroughfare or not and includes the road-way over any public bridge or causeway;

(12) "public service motor vehicle" means a motor vehicle which is let or plied for hire or reward;

(13) "registered owner" means the person in whose name a motor vehicle or trailer is registered under the Mysore Motor Vehicles Regulation, 1928;

(14) "side car" means a wheeled carrier attached to a motor vehicle which motor vehicle rests on not more than two wheels;

(15) "tax" includes a tax, cess or fee imposed under this Regulation or rules thereunder;

(16) "trailer" means any vehicle other than a side car drawn or propelled or intended to be drawn or propelled by a motor vehicle;

(17) "unladen weight" in relation to a motor vehicle or trailer means the weight of the vehicle or trailer including all parts and equipment which are necessary for and ordinarily used with the vehicle or trailer when working. Where alternative parts or bodies are used, the heaviest part or body shall be taken into account for the purpose of calculating the unladen weight; and

(18) "year" means the financial year, "half-year" means the first six months or the second six months such year and "quarter" means the first three month or the second three months of such half-year.

3. The enactments mentioned in Schedule I a hereby repealed to the extent and in the manner specifi in the fourth column thereof.

Provided that (*a*) the said repeal shall not affect t validity of anything done or the liability of any person pay any sum due from him under the enactments herel repealed, (*b*) any appointment, notification, notice, orde license, permission, rule, form, tax, fee, cess or rate, mad issued, given or imposed, toll bars established, contrac entered into and suits and other proceedings institut under enactments hereby repealed, shall, so far as may b be deemed to have been made, issued, given, impose established, entered into and instituted under th Regulation.

PART II—ADMINISTRATIVE.

4. (1) For the purpose of carrying out the pro sions of this Regulation, the Mysore Motor Vehicl Regulation, 1928, and the Mysore Highways Regulatio 1920, and the rules made under them, the Governme may appoint, subject to the conditions hereinafter provide

persons, official and non-official, residing within Mysore, to constitute a Traffic Board.

(2) The Board shall, subject to such exceptions and conditions as the Government may from time to time make and impose, include *a representative of the local authorities in the State, and* representatives of the owners of private motor vehicles, the users and proprietors of public service motor vehicles and persons having interests in agriculture, trade or commerce in Mysore.

(3) The manner and mode of selecting such representatives shall be in accordance with rules prescribed in this behalf.

(4) The Government may appoint one of the members of the Board as its Chairman and an officer in the service of the Government who may or may not be a member of the Board as its Secretary.

(5) The Chairman and the members of the Board shall hold office for the prescribed period, provided that the Government may by order at any time remove any member and on such removal his seat on the Board shall become vacant.

(6) Casual or other vacancies in the Board shall be filled up by the Government in accordance with rules prescribed in this behalf.

5. (1) *The Government may by notification invest the Board either absolutely or subject to conditions with such powers as may be necessary for the purposes mentioned in sub-section* (1) *of section* 4.

(2) [(1)] It shall be the general duty of the Board so to exercise its powers as to secure the provision of an adequate and properly co-ordinated system of public service motor transport and for that purpose, while avoiding the provision of unnecessary and wasteful competitive services, to take from time to time such steps as it considers necessary for extending and improving the facilities for such transport in such manner as to provide most efficiently and conveniently for the needs thereof.

(3) [(2)] Subject to such rules as may be prescribed, the Board shall control the number and distribution of public service motor vehicles and for this purpose shall, in particular, perform the following duties, that is to say:

(*a*) From time to time, it shall fix the routes on which public service motor vehicles may be permitted to ply;

(*b*) It shall from time to time determine the number of licenses and permits to be granted for each route and for this purpose shall be guided by the considerations setforth below;

(*c*) It shall generally supervise the regulation and control of public service motor vehicles.

(4) [(3)] When determining the number of licenses and permits to be allowed for each of the routes under sub-section (3) (b), the Board shall be guided by the following considerations, that is to say:

(*a*) the suitability and capacity of the road or roads or portions thereof covered by every proposed route for the carriage of public service motor vehicles;

(*b*) the extent, if any, to which the needs of the proposed routes or any of them are already adequately served;

(*c*) the extent to which the proposed service is necessary or desirable in the public interest;

(*d*) the needs of the area as a whole in relation to traffic (including the provision of adequate, suitable and efficient services, the elimination of unnecessary services and the provision of unremunerative services); and

(*e*) the co-ordination of all forms of transport including transport by rail.

[(4)] [The Government may by notification invest the Board either absolutely or subject to conditions with such powers as may be necessary for the purposes mentioned in sub-section (1) of section 4, and]

(5) *The Government* may prescribe the mode in which the Board shall conduct its business.

Inquiry by Board.

6. (1) [(5)(*a*)] The Board may hold an inquiry or direct inquiry to be made in regard to any accident arising out of the presence of a motor vehicle on a public road whereby damage or injury has been caused to [any] person, [vehicle] or *property* [animal,] and the Government may invest, by rules, the Board or such person as may be authorised by the Board in this behalf with such powers as may be necessary for the holding of such inquiry *and for summoning and enforcing the attendance of witnesses and compelling the production of documents*, and prescribe the procedure to be followed at such inquiry.

(2) Nothing in this [sub] section shall be construed as in any way affecting, amending or modifying the

provision of any other enactment relating to the holding of inquiries into such accidents by the Police or any other authority.

(3) Any report made by or to the Board as the result of an inquiry under this section shall not be used in evidence by or on behalf of any person by or against whom any legal proceedings are instituted in consequence of the accident to which the inquiry relates

District Traffic Advisory Committee.

"7. (*1*) *The Government may constitute an advisory committee for each district designated the District Traffic Advisory Committee consisting of the Deputy Commissioner who shall be Chairman and such other members including the President of the District Board as may be appointed by the Government from time to time.*

(*2*) *It shall be the duty of the District Traffic Advisory Committee—*

(*i*) *to consider, report to and advise the Board on any matter relating to traffic within the district;*

(*ii*) *to make representations to the Board with respect to any matter connected with the transport services and facilities in the district which are in the opinion of the committee to be considered by the Board; and*

(*iii*) *to consider, report to and advise the Board on any other matters which are referred to them by the Board.*"

PART III—TAXATION.

Imposition of taxes on motor vehicles

8. [6.] The Government may, by notification in the Official Gazette, from time to time direct the levy of any or all of the following taxes on motor vehicles *used or* kept for use in Mysore at rates not exceeding those prescribed in Schedule II [IV] (A) to (D) and subject to the privileges, conditions, exemptions and limitations specified therein, that is to say—

(*a*) a vehicle tax on motor cycles, [and] motor cars *and* motor *lorries used solely for purposes of agriculture*,

(*b*) a road tax on motor lorries,

(*c*) a service tax on public service motor vehicles for carrying passengers, and,

(*d*) a mileage cess on motor buse

Payment of tax and issue of license.

). [7.] (1) Upon the issue of a notification under n 8, [6] no motor vehicle shall be used on any public

road in Mysore unless the registered owner or the person having possession or control thereof has obtained a license under sub-section (6) in respect of the vehicle.

(2) The vehicle tax imposed under section 8 [6] shall be payable for the year and in advance by *the registered owner or* the person [who keeps] *having possession or control of the* [a] motor vehicle [for use].

Provided that the Government may by notification allow [half-yearly period] payment of the tax *for half-yearly periods* at the rate of half the tax payable for the year.

(3) Taxes other than the vehicle tax shall be payable for the quarter and in advance [by the person who keeps a motor vehicle for use]. [Such person may pay in advance.] The taxes due for two or more consecutive quarters *of* [in] the same year *may be paid in advance.*

(4) Where a tax other than a vehicle tax for any motor vehicle has been paid for any quarter and the vehicle has not been used during the whole of that quarter or a continuous part thereof, not being less than one calendar month, a refund of the tax at such rates as may from time to time be notified by the Government shall be payable subject to such conditions as may be specified in such notification.

(5) Notwithstanding anything contained in sub-section (1), no person shall be liable to tax during any period on account of any taxable motor vehicle, the tax due in respect of which for the same period has already been paid by some other person.

(6) When any person pays the amount of tax due in respect of any taxable motor vehicle in Mysore or proves to the satisfaction of the licensing officer that no tax is payable in respect of any motor vehicle, the licensing officer shall—

(i) grant to such person a license, in such form as may be notified by the Government, to use the vehicle on public roads in Mysore for the period or periods concerned; and

(ii) record that the tax has been paid for a specified period or periods or that no tax is payable in respect of the vehicle as the case may be in the certificate of registration granted or renewed in respect of the vehicle under the rules made by the Government under the Mysore Motor Vehicles Regulation, 1928, or in the case of vehicles not registered under the said rules in a certificate in such form as may be notified by the Government.

Provided that the Government may exempt from the provision of this sub-section any person who has been exempted from the payment of tax in respect of any motor vehicle and prescribe the manner in which such exemption from payment of tax is to be indicated.

Carriage of license on vehicle.

10. [8] (1) The license granted in respect of a motor vehicle under sub-section (6 of section 9 [7] shall be exhibited upon the vehicle in such manner as may be notified by the Government and if such a license is not so carried upon such vehicle the registered owner or the person having possession or control thereof shall be punishable with fine which may extend to fifty rupees.

(2) The person in charge of any motor vehicle on any public road shall cause the vehicle to stop and to remain stationary so long as may reasonably be necessary when required to do so by any officer under the control of the Board empowered in this behalf by the Government or any police officer in uniform who is not below the rank of Sub-Inspector or who being below such rank is empowered in this behalf by the Inspector-General of Police or the District Magistrate for the purpose of satisfying himself that a license has been obtained in respect of such vehicle for the period then current.

(3) Any person failing to stop a motor vehicle when required to do so by a Police Officer or any other officer empowered under sub-section (2). shall be punishable with fine which may extend to fifty rupees.

Penalty for failure to pay tax.

11. [9] If a tax due in respect of any motor vehicle has not been paid, the registered owner or the person having possession or control thereof shall be punishable with fine which may extend to fifty rupees; and the amount of the tax due by him in respect of such vehicle shall also be recovered as if it were a fine.

Recovery of tax as an arrear of land revenue.

12. [10]. Any tax under this Regulation may also be recovered in the same manner as an arrear of land revenue. The motor vehicle in respect of which the tax is due or its accessories may be distrained or sold in pursuance of this section, whether such vehicle or accessories be or be not in the possession or control of the person liable to pay the tax.

Exemption.

13. [11]. The Government may by notification in the Official Gazette make an exemption, reduction in the rate or other modification in regard to a tax payable—

(i) by any person or class of persons, or

(ii) in respect of any motor vehicle or class of motor vehicles.

PART IV.—TOLLS.

Power to cause levy of tolls on roads and bridges and to appoint collectors.

14. [12]. Subject to the rules prescribed by the Government in this behalf, the Government may cause such rates of tolls not exceeding those mentioned in Schedule III [II] hereto annexed, to be levied on any public road or bridge in Mysore, which has been, or shall hereafter be constructed or repaired at the expense of the Government, or any District Board constituted under the Mysore District Boards Regulation, 1926, and may place the collection of such tolls under the management of such persons as may appear to them proper, and all persons employed in the management and collection of such tolls shall be liable to the same responsibility as would belong to them if employed in the collection of the land revenue.

Establishment of toll-bars.

15. [13]. The Government may, from time to time declare the roads on which and the places where tolls shall be levied, and may abolish the collection of tolls on roads on which such tolls have been declared leviable, and may authorise the erection or removal of any toll bar for the purpose of carrying out the provisions of this section.

Provided that when it is proposed to establish a new toll bar on a road maintained by a District Board or to abolish an existing toll bar on such a road such District Board shall be given an opportunity of expressing its opinion on the proposal, before a decision is come to.

Powers for recovery of

16. [14]. (1) In the case of non-payment of any such toll on demand, the persons appointed or duly authorised to collect the same may seize any of the *vehicles* [carriages] or animals on which it is chargeable or any part of their burden of sufficient value to defray the toll.

(2) If any such toll remains undischarged for twenty-four hours after the property has been seized *under* [as stated in] sub-section (1), the said property shall after twenty-four hours notice exclusive of Sunday or any public holiday, be sold by public auction for discharge of the toll and all expenses occasioned by such non-payment seizure and sale, by order of the officer authorised to superintend the collection of the said toll, who *shall* [may] cause any balance that may remain to be returned, on demand, to the owner of the property.

Provided that, if at any time before the sale has actually begun, the person whose property has been seized shall tender the amount of all the expenses incurred, and of double the toll payable by him, the said officer shall forthwith release the property seized. Release of seized property on tender of dues.

(3) Any amount due on account of toll may also be recovered in the same manner as an arrear of land revenue.

17. *No person shall with intent to evade payment of toll cause a vehicle or animal to leave a road on which a toll bar has been placed and pass over any land within a quarter of a mile therefrom, such land not being either a public road or land of which such person is the owner or occupier.* Evasion of payment of tolls.

18. [15]. Every person, other than the persons appointed or duly authorised to collect tolls under this Regulation, who shall levy or demand any toll on any public road or bridge, or for passing through any bazaar situated thereon, and also every person who shall unlawfully and extortionately demand, or take any other or higher toll than the lawful toll, or under colour of this Regulation seize or sell any property knowing such seizure or sale to be unlawful or in any manner unlawfully extort money or any valuable thing from any person under colour of this Regulation shall [be liable] on conviction before a Magistrate [to] *be punishable with* imprisonment for a term which may extend to six months or with fine which may extend to two hundred rupees, any part of which fine may be awarded by the Magistrate to the person aggrieved. Penalty.

19. [16]. Any person who fraudulently or forcibly passes any toll bar without paying the proper toll, or who obstructs the person appointed or duly authorised to collect the toll in the discharge of his duties, shall [be liable,] on conviction before a Magistrate, [to] *be punishable with* imprisonment for [any] a term [not exceeding] *which may extend to* three months or [to a] *with* fine [not exceeding] *which may extend to* fifty rupees. Penalty for fraudulently passing a toll bar.

20. [17]. (1) Subject to such conditions as may be prescribed by the Government in this behalf any person may, in respect of a motor cycle, motor car or motor cab belonging to him pay in lieu of all tolls other than those levied at toll bars established on *any road or bridge specified in Schedule V or a road or bridge constructed after the coming into force of this Regulation* [a road Composition of tolls.

newly constructed] for the recovery of the amount expended upon such road *or bridge*, a quarterly composition fee at rates not exceeding the maxima specified in Schedule IV A [III.] The payment of such composition fee shall exempt such vehicle from tolls levied by any municipal council.

(2) The composition fee payable under sub-section (1) shall be paid for the quarter and in advance.

(3) Any such person may pay in advance the composition fee payable under sub-section (1) for two or more consecutive quarters in the same year. When the fee is so paid, such rebate shall be allowed as may, from time to time, be notified by the Government.

21. *Subject to such conditions as may be prescribed by the Government in this behalf any person may, in respect of any of the following vehicles belonging to him, namely,* (a) *a motor cycle or* (b) *a motor car not exceeding 30 cwt. in weight unladen and constructed or adapted for the carriage of not more than seven persons including the driver or* (c) *a motor bus or* (d) *a cart drawn by a single bullock or two bullocks, pay in lieu of all tolls payable at any one toll bar established under this Regulation other than a frontier toll bar an annual composition fee at rates not exceeding the maxima specified in Schedule* IV (B).

Provided that such composition under this section shall not

(i) *be allowed in respect of more than one toll bar for any such motor cycle, motor car, motor bus or cart, and*

(ii) *exempt such cart from tolls when laden with timber.*

22. [18] The Government may by notification in the Official Gazette make an exemption, reduction in the rate or other modification in regard to toll payable,

(*i*) by any person or class of persons, and

(*ii*) in respect of any vehicle or animal or classes of vehicles or animals.

PART V.

Lorries.

23. [19.] (1) No person shall use a motor lorry on a public road, except under a permit granted by the prescribed authority.

(2) When a motor lorry is being used on a public road, the driver of the vehicle, if it belongs to him or is in his possession under an agreement for hire, hire-purchase or loan and in any other case the person whose agent or servant the driver is, shall, for the purpose of this part of this Regulation, be deemed to be the person by whom the vehicle is being used.

(3) The Government may, by rules, prescribe the conditions subject to which a permit may be granted under this section. In particular, but without prejudice to the generality of the foregoing powers, such conditions may include all or any of the following, that is to say,

(*a*) a condition that the motor lorry shall be used only in a specified area or between specified places;

(*b*) a condition that certain classes or descriptions of goods only shall be so carried;

(*c*) a condition that goods shall be carried only for specified persons;

(*d*) a condition that the motor lorry shall not carry more than the specified number of persons;

(*e*) when the vehicle is a motor lorry intended to be let or plied for hire or reward, such other conditions as the prescribed authority may think fit to impose in the public interest and with a view to prevent uneconomic competition.

(4) A permit under this section may be revoked or suspended by the prescribed authority by which the permit was granted on the ground that any of the conditions of the permit have not been complied with.

Provided that the said authority shall not revoke or suspend a permit unless he is satisfied after giving the holder of the permit an opportunity of being heard that the permit should be revoked or suspended.

Periodical inspection.

24 [20]. A motor lorry in respect of which a permit is granted under section 23 [19] shall be subject to such periodical inspection as the Government may prescribe.

PART VI—ROAD FUND.

Road Fund.

"25. *All taxes, tolls and fees paid under this Regulation, the Mysore Motor Vehicles Regulation, 1928, and the Mysore Highways Regulation, 1920, shall be credited to a special fund, to be designated the Road Fund, to which*

fund shall also be credited such other sums as the Government may from time to time direct.

26. The Road Fund will be debited under the orders of the Government with the following charges, that is to say:—

(1) such amount as the Government may from time to time determine on account of the expenses incurred in the carrying into effect of the Regulations mentioned in section 25 and the rules made thereunder,

(2) payments made to local authorities under section 32, and

(3) allotments made at the discretion of the Government for such other purposes not hereinbefore mentioned as may be consistent with or necessary for the more efficient administration of the Regulations mentioned above or the rules made thereunder.

Use of Fund.

27. The proceeds of the Road Fund after deducting the charges under section 26 shall be used on the construction and maintenance of roads and bridges in Mysore.

Administration of Fund.

28. The Board shall administer the Road Fund subject to the control of the Government in such manner as may be ordered by the Government from time to time."

PART [VI]—VII.

GENERAL.

Savings as to vehicles used for agricultural purposes.

29. [21.] No tax under this Regulation other than vehicle tax shall be levied on any motor vehicle used solely for the purposes of agriculture.

Explanation.—A motor vehicle used for transporting agricultural produce *along a public road* shall not, for the purpose of this section *and section 8*, be deemed to be used solely for the purposes of agriculture.

Protection in respect of acts done in good faith.

30. [22.] No prosecution suit or other legal proceeding shall lie against any person for anything in good faith done or intended to be done under this Regulation.

Power of Municipalities to levy taxes on motor vehicles.

31. [23.] Notwithstanding anything contained in the Mysore City, Town and Minor Municipalities Regulations, 1933, no municipal council shall levy (1) a tax on motor vehicles or (2) a toll on such motor vehicles as are exempted from payment of municipal tolls under this Regulation or the rules made thereunder.

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32. [24.] (1) From the proceeds of tolls and taxes collected under this Regulation, the Government shall pay annually to each District Board which at the commencement of this Regulation was levying tolls and to each municipal council which at the commencement of this Regulation was levying a vehicle tax on motor vehicles, a sum determined by the Government *after consulting the District Board or the municipal council concerned* as representing the average annual income of each District Board from tolls and of each municipal council from vehicle tax on motor vehicles during the three years ending 30th day of June 193 , after deducting therefrom the expenses of collection which shall be determined by the Government in such manner as it may deem fit.

(2) In determining the amount payable to a local authority under sub-section (1) the Government shall take into account—

(*a*) the arrears of tolls or vehicle tax on motor vehicles left uncollected, which could have been collected;

(*b*) the amounts which the local authority should have paid to any other local authority on account o collections made on behalf of the latter and remaining t be adjusted; and

(*c*) the vehicle tax payable on vehicles owned by the local authority or by its employees in respect of which exemptions were granted by the local authority.

(3) At the end of three years from the commencement of this Regulation, the Government may, after consulting the District Board or Municipal Council concerned, [determine in such manner as may be then prescribed] *prescribe the manner in which and the periods for which* the amount payable thereafter to such District Board or Municipal Council *shall be paid.*

(4) The amount recovered in respect of composition of tolls under section 20 [17] the proceeds of the service tax under sub-section (c) of section 8 [6] on all public service motor vehicles plying or used solely within a municipality, and the proceeds of the mileage cess under sub-section d) of section 8, [6] shall be apportioned between the respective local authorities and the Government in such manner as may be determined by rules or orders made in this behalf.

Explanation.—A local authority for the purposes of this sub-section shall mean a District Board, a City Municipal Council or such other Town Municipal Council

or Sanitary Board as the Government may notify in this behalf.

33. [25] (1) The Government may, subject to the condition of previous publication [except in respect of rules relating to matters falling under Part IV of this Regulation,] make rules for more effectively carrying out all or any of the purposes of this Regulation.

(2) All rules made under this section shall be published in the Official Gazette and on such publication shall have effect as if enacted in this Regulation.

34. [26.] Whoever contravenes any of the provisions of this Regulation or of any rule made thereunder shall if no other penalty is elsewhere provided in this Regulation for such contravention, be punishable with fine which may extend to one hundred rupees, and in the event of such person having been previously convicted of an offence under this Regulation or any rule made thereunder with fine which may extend to two hundred rupees.

35. [27.] The Government may, subject to the approval of the Legislative Council by a resolution recorded in this behalf alter, add to or cancel any or all of the Schedules II A to IV B of this Regulation and such alteration, addition or cancellation when published in the Official Gazette, shall have the force of law and all references in this Regulation to any of the aforesaid Schedules shall be construed as referring to such Schedules as are for the time being amended in exercise of the power conferred by this section.

36. [28.] No court inferior to that of a Second Class Magistrate shall try any offence punishable under this Regulation or the rules made thereunder, except offences punishable under Part IV of this Regulation or under rules made in respect of matters under the said part.

SCHEDULE I.

Section 3.

Year	No.	Title	Extent of repeal
1876	274	Chief Commissioner's Notification No. 274 of 1876.	The whole
1926	III	The Mysore District Boards Regulation.	Section 66 and Schedule III.

SCHEDULE [II] III.

(Section 14 [12].)

Rates of Tolls.

	A. MOTOR VEHICLES.	Rs.	a.	p.
1	On every motor cycle with or without side car ...	0	4	0
2	On every [four wheeled] motor car or motor cab constructed or adapted to carry not more than seven persons including the driver	1	0	0
3	On every four wheeled motor car constructed or adapted to carry eight persons or more including the driver	2	0	0
4	On every *four wheeled* motor bus	2	0	0
5	On every motor lorry ...	3	0	0
[6	Do heavy motor vehicle motor vehicle exceeding two tons in weight unladen ...	3	0	0]
6 [7]	Do vehicle propelled by steam or motor power other than those specified above ...	3	0	0
7 [8]	Do vehicle of the categories mentioned in items 5 and 6 above, if laden with timber, [fuel, bamboos or stone]and entering the State at a frontier toll bar	6	0	0

	B. VEHICLES OTHER THAN MOTOR AND STEAM VEHICLES.			
1	On every four wheeled carriage	0	8	0
2	Do two wheeled carriage on springs other than a jutka or ekka	0	4	0
3	Do ekka or jutka laden	0	2	0
4	Do do unladen	0	1	0
5	Do other vehicle on springs *ex*[in]cluding a tricycle and a bicycle	0	2	0
7	Do cart or other vehicle drawn by eight bullocks, buffaloes, horses, ponies, asses or mules, if laden	1	0	0
	Do cart or other vehicle drawn by eight bullocks, buffaloes, horses, ponies, asses or mules, if not laden	0	8	0
8	Do cart or other vehicle drawn by six bullocks, buffaloes, horses, ponies, asses or mules, if laden...	0	8	0
9	Do cart other vehicle drawn by six bullocks, buffaloes, horses, ponies, asses or mules, if not laden	0	4	0
10	Do cart or other vehicle drawn by four bullocks, buffaloes, horses, ponies, asses, or mules, if laden	0	6	0

			Rs.	a.	p.
11	On every	cart or other vehicle drawn by four bullocks, buffaloes, horses, ponies, asses, or mules, if not laden	0	3	0
12	Do	cart or other vehicle drawn by two bullocks, buffaloes, horses, ponies, asses or mules, if laden.	0	4	0
13	Do	cart or other vehicle drawn by two bullocks, buffaloes, horses, ponies, asses or mules if not laden	0	2	0
14	Do	cart or other vehicle drawn by a single bullock, buffalo, horse, pony, ass or mule, if laden	0	2	0
15	Do	cart or other vehicle drawn by a single bullock, buffalo, horse, pony, ass or mule, if not laden	0	1	0
16	Do	cart or other vehicle, if laden with timber [fuel, bamboos or stone] and entering the State at a frontier toll-bar	3	0	0

C. ANIMALS, PALANQUINS, ETC.

1	On every	buffalo or bullock per head, if laden ...	0	1	0
2	Do	do not laden ...	0	0	6
3	Do	elephant	1	0	0
4	Do	camel, if laden	0	4	0
5	Do	do not laden	0	2	0
6	Do	horse, if laden or ridden	0	1	6
7	Do	horse, if unladen or not ridden	0	0	9
8	Do	thattu or mule, if laden or ridden ...	0	0	9
9	Do	do if unladen or led ...	0	0	6
10	Do	ass, if laden or ridden	0	0	6
[11	Do	ass, if unladen or led	0	0	3]
[12	Do	sheep, goat or pig	0	0	1]
11 [13]	Do	palanquin, dooly, palna or tonjon with two bearers or rickshaw	0	2	0
12 [14]	Do	palanquin, dooly, palna or tonjon with more than two bearers	0	4	0

Provisos.—

Double the rate of tolls prescribed above may be levied in the case of carts referred to in items 6, 8, 10, 12, and 14 of B, if laden and entering the State at a frontier toll-bar.

Double the rate of tolls prescribed above may be levied in the case of carts referred to in items 6, 8, 10, 12 and 14 of B, when such carts are laden with timber.

The Government may prescribe lower rates of tolls than those prescribed in this schedule on carts fitted with tyres over 2½ inches in width or with pneumatic tyres.

Double the rate of tolls prescribed above may be levied in case of carts referred to in items 6, 8, 10 and 12 of B. when such carts are loaded with timber or stones]

The Government may prescribe a lower rate of tolls on carts with tyres over 2½" wide than on carts with narrower tyres.

SCHEDULE [III] IV—A.

Section 20. [17].

Rate of fee for composition of tolls on Motor Vehicles.

Classes of vehicles	Fees per quarter: For vehicles fitted with pneumatic tyres on all wheels			For other vehicles		
1. *Motor cycles-*	Rs.	a.	p.	Rs.	a.	p.
(*a*) Motor cycles with two wheels ...	7	8	0	10	0	0
(*b*) Ditto, if used for drawing a trailer or side car	10	0	0	12	8	0
(*c*) Motor cycles with three wheels ...	10	0	0	12	8	0
2. *Motor cars and motor cabs.*						
(*a*) Weighing not more than 15 cwts., unladen	17	8	0	25	0	0
(*b*) Weighing more than 15 cwts. but not more than 30 cwts, unladen ...	25	0	0	37	8	0
(*c*) Weighing more than 30 cwts. but not more than 45 cwts, unladen ...	32	8	0	50	0	0
(*d*) Weighing more than 45 cwts. but not more than 60 cwts, unladen ...	40	0	0	60	0	0
(*e*) Weighing more than 60 cwts., unladen	50	0	0	75	0	0
(*f*) Additional fee payable in respect of such vehicles when used for drawing trailers—						
(i) For each trailer not exceeding 1 ton in weight, unladen ...	10	0	0	15	0	0
(ii) For each trailer exceeding one ton in weight, unladen	20	0	0	30	0	0
Provided that two or more vehicles shall not be chargeable under this class in respect of the same trailer.						

SCHEDULE IV B.

(Section 21).

Rate of fee for composition in respect of a single toll bar for certain vehicles.

Class of vehicle	*Amount of annual fee*		
	Rs.	*a.*	*p.*
(a) *Motor cycles*	*15*	*0*	*0*
(b) *Motor cars weighing not more than 30 cwt. in weight unladen and not constructed or adapted to carry more than seven persons including the driver* ...	*30*	*0*	*0*
(c) *Motor buses*	*20*	*0*	*0*
(d) *Carts drawn by a single bullock or two bullocks* ...	*7*	*8*	*0*

SCHEDULE II [IV] A.

The Vehicle Tax.—(Section) 8 [6] (a)).

	Class of Vehicles	*Annual Tax*
	Motor Cycles	
2	Motor cars, constructed or adapted to carry in all not more than seven persons including the driver—	
	(*a*) Weighing not more than 15 cwts., unladen ...	30
	(*b*) Weighing more than 15 cwts, unladen	10
3	Motor cars constructed or adapted to carry eight persons or more including the driver	60
4	For heavy motor cars, *i.e.*, motor cars exceeding two tons in weight, unladen	100
5	*Motor Lorries used solely for purposes of agriculture* ...	60
	Privileges and Exemptions. *The vehicle shall be exempt from all municipal tolls.*	

[*Privileges and exemptions which a vehicle is entitled to and the conditions and limitations therefor.*

[1. The vehicle shall be exempt from Municipal tolls either of the Municipal Council within the limits of which the owner resides or of that in the limits of which he carries on business in respect of which the vehicle is used, at his option, which shall be exercised at the time of the payment of the tax.

[A vehicle kept outside the limits of any municipality shall be free from the tolls of the municipality nearest the place of residence of the owner or his principal place of business, as the case may be, provided that such municipality is within a radius of five miles from such place. If the place is equidistant from two municipalities, the vehicle shall be free from tolls at the municipality elected and declared by the owner at the time of the payment of the tax, provided that the declaration made shall not be, subject to variation during the year.

[2. The vehicle shall continue to have all the privileges and exemptions to which it was entitled on payment of the Municipal Vehicle Tax, both in the municipality in which such tax is payable and in other municipalities under any reciprocal arrangements that may have been in force at the commencement of this Regulation.

[3. The exemption from tolls specified above shall apply only at the ordinary toll-gates and shall not apply to *ad-hoc* toll-gates established on a newly constructed public road for the recovery of the amount expended upon such public road and the bridge or causeway, if any, over which it may lie.]

SCHEDULE II [IV] B.

Road Tax.—(Section 8 [6] (b.))

Class of Vehicles	Quarterly tax	
	Vehicles fitted with pneumatic tyres on all wheels	Other Vehicles
	Rs. a. p.	
1. Motor lorries *without trailers* not let or plied for hire or reward :		
(*a*) Not exceeding 15 cwt. in weight, unladen	30 0 0	45
(*b*) Exceeding 15 cwt. but not exceeding 25 cwt. in weight, unladen...	50 0 0	70
(*c*) Exceeding 25 cwt. but not exceeding 30 cwt. in weight, unladen...	70 0 0	90
(*d*) Exceeding 30 cwt. but not exceeding 35 cwt. in weight, unladen...	90 0 0	115
(*e*) Exceeding 35 cwt. but not exceeding 50 cwt, in weight, unladen...	112 8 0	150
(*f*) Exceeding 50 cwt. but not exceeding 70 cwt. in weight, unladen...	150 0 0	185
(*g*) Exceeding 70 cwt. but not exceeding 100 cwt. in weight. unladen.	175 0 0	225
(h) *Exceeding 100 cwt. in weight unladen*	250 0 0	*300*
(*j*) [(*h*)] Additional tax payable in respect of such vehicles when used for drawing trailers :		
(i) For each trailer not exceeding 1 ton in weight, unladen ...	60 0 0	85
(ii) For each trailer exceeding 1 ton in weight, unladen ..	125 0 0	150
Provided that two or more vehicles shall not be chargeable under this clause in respect of the same trailer.		
Motor lorries let or plied for hire or reward *and used for the carriage or haulage of goods only.*	One and half times the rate prescribed for each respective class of vehicle under 1 above.	

Classes of Vehicles	Quarterly tax	
	Vehicles fitted with pneumatic tyres on all wheels	Other vehicles
3. *Motor lorries let or plied for hire or reward and used for the carriage or haulage of goods and passengers.*	(a) *a tax as on a motor lorry under item (2) above, having a weight which bears to the unladen weight of the vehicle the same proportion as the floor area set apart for the carriage of goods bears to the total floor area of the vehicle, together with,* (b) *a service tax calculated at the rate specified in schedule II C for every passenger which the vehicle is licensed to carry, and* (c) *a mileage cess as on motor buses under schedule II D.*	

Explanation.—*Goods in items 2 and 3 above do not include light personal effects of passengers.*

Provisos.—

" 1. (a) *Motor Lorries not let or plied for hire or reward shall be exempt from tolls other than those levied by a municipal council in the area in which they have the permit for working in accordance with sub section (3) of Section 23.*

(b) *While working outside the said area on special permits they are liable to both Government and municipal tolls.*

(c) *Such motor lorry shall be exempt from all municipal tolls either of the municipal council within the limits of which the owner resides or of that in the limits of which he carries on business in respect of which the vehicle is used, at his option which shall be exercised at the time of the payment of the tax.*

Such motor lorry kept outside the limits of any municipality shall be free from the tolls of the municipality nearest the place of residence of the owner or his principal place of business, as the case may be, provided that such municipality is within a radius of five miles from such place. If the place is equidistant from two municipalities, such motor lorry shall be free from tolls at the municipality elected and declared by the owner at the time of the payment of the tax, provided that the declaration made shall not be subject to variation during the year.

Class of Vehicles	Quarterly tax	
	Vehicles fitted with pneumatic tyres on all wheels	Other Vehicles
[1. Motor cabs and motor buses other than (2) below :—		
(*a*) Vehicles licensed under the Mysore Motor Vehicle Rules, to carry in all not more than four passengers.	30 0 0	45 0 0
(*b*) Vehicles licensed under the Mysore Motor Vehicles Rules to carry more than four passengers for every passenger which the vehicle is so licensed to carry.	7 8 0	11 4 0
2. Motor cabs and motor buses used for hire for a strictly limited purpose.	25 0 0	37 8 0

Provisos.—

1. In the case of motor cabs one seat for the driver and in the case of motor buses two seats, one for the driver and one for the conductor, shall not be taken to account for purposes of calculating this tax.

2. A motor vehicle is said to be [let] *used* for hire for a limited purpose when it satisfies the following conditions :—

(*a*) The vehicle is owned by a public institution like a hotel or school.

(*b*) It is used exclusively for the business of such institution that is, for the conveyance of its members, clients or, workmen.

(*c*) It is used within the limits of the Municipality in which it is kept.

(*d*) It is not available for hire by the general public.

3. *" Motor cabs and motor buses paying service tax shall be exempt from municipal tolls either of the municipal council within the limits of which the owner resides or of that in the limits of which he carries on business in respect of which the vehicle is used, at his option, which shall be exercised at the time of the payment of the tax.*

A motor cab or motor bus kept outside the limits of any munic shall be free from the tolls of the municipality nearest the place of residence of the owner or his principal place of business, as the case may be, provided that such municipality is within a radius of five miles from such place. If the place is equidistant from two municipalities, the motor cab or motor bus shall be free from tolls at the municipality elected and declared by the owner at the time of the payment of the tax, provided that the declaration made shall not be subject to variation during the year.

[Motor cabs and motor buses paying the service tax shall further be entitled to the privileges and exemptions specified in schedule IV (*a*)].

2. *Motor lorries let or plied for hire or reward shall be exempt from tolls other than those levied by a municipal council in the area in which they have the permit provided that, on roads which the Board may declare as competing with the Railways in respect of traffic, they may be subject to the payment of tolls.*

3. *The provisos to Schedule II C and II D will also be applicable to the cases of vehicles under item 3 above.*"

[1. (*a*) Lorries other than those let or plied for hire shall be exempt from tolls other than those levied by a Municipal Council in the area in which they have the permit for working in accordance with sub-section (3) of section 19.

[(*b*) While working outside the said area on special permits, they are liable to both Government and Municipal tolls.

[(*c*) They shall further be entitled to the privileges and exemptions specified in Schedule IV A.]

[2. Lorries let or plied for hire or reward shall be exempt from tolls other than those levied by a Municipal Council in the area in which they have the permit provided that, on roads which the Board may declare as competing with the Railways in respect of traffic, they may be subject to the payment of tolls.]

SCHEDULE II [IV] C.

Service Tax.—(Section 8 [6] (c)).

Class of vehicles	Quarterly tax	
	Vehicles fitted with pneumatic tyres on all wheels	Other vehicles
	Rs. a. p.	Rs. a. p.
Motor cabs other than (3) below		
(a) licensed to carry in all not more than four persons,	*30 0 0*	*45 0 0*
(b) licensed to carry more than four persons, for every person whom the vehicle is so licensed to carry.	7 8 0	11 4 0
Motor buses other than (3) below		
for every person whom the vehicle is licensed to carry		
(a) on routes graded as class I by the Board,	7 8 0	11 4 0
(b) on routes graded as class II by the Board.	6 0 0	9 0 0
Motor cabs and motor buses used for hire for a strictly limited purpose.	25 0 0	37 8 0

SCHEDULE II [IV] D.

Mileage Cess.

Class of Vehicles.	*Rate of Tax.*
Motor buses—	
(*a*) when plying on ordinary permits as part of a regular service	Six pies per mile.
(*b*) when plying on special permits in other cases	Nine pies per mile.

Proviso.—

"*Buses paying the mileage cess are exempt from all tolls levied either by the Government or a municipal council except those levied at toll bars established on any road or bridge specified in Schedule V or a road or bridge constructed after the coming into force of this Regulation, for the recovery of the amount expended on such road or bridge.*"

[Buses paying the mileage cess are exempt from all tolls levied either by the Government or a Municipal Council, except those levied at toll-gates established on a newly constructed public road for the recovery of the amount expended on such public road and the bridge or causeway, if any, over which it may lie.]

SCHEDULE V.

Recently constructed roads and Bridges.

(Section 20).

(i)	*The road and bridge over* ..	*the Cauvery at T.-Narasipur.*
(ii)	*Do*	*the Cauvery at Krishnarajasagara.*
(iii)	*Do*	*the Hemavati at Akki-Hebbal*
(iv)	*Do*	*the Hemavati at Gorur.*

MYSORE POLICE DEPARTMENT.

In reply, please quote number, date and short title.*

Received ..... *Registered* .....

From (name) F.A.Hamilton,Esq.,C.I.E.,

(Designation) Inspector General of Police in Mysore

Post Box..... (Station) Bangalore

Telegraphic Address POLICE

To

The Secretar
Legislative Council, Bangalore.

No. C.2-542/34-35 *dated* 8th May 1935

SIR,

Enclosures ...1.....
.....
.....

Spare copies.....

I have the honor to return herewith the dra
of the report of the Select Committee on the Mysor
Road Traffic and Taxes Bill and to say that I approve
of the report.

I have the honor to be,
Sir,
Your most obedient servant,

for Inspector General of Police.

Early we received replies from all the members? CM. 8/5.

Reply is due from Some members — viz. Messrs H.C. Dasappa; H.B. Gundappa & Chenjaboraya Reddy & the Director of Ind & Comm 9/5

CHITALDRUG

8/57

The secretary
Legislative Council
Bangalore

I have approved of the draft report of the Select Committee on the Mysore Motor Traffic Rules Bill. The same may be published.

Yours sincerely,

DEPARTMENT OF INDUSTRIES AND COMMERCE.

Mr. S. Abdul Wajid B.A.
Director.

OFFICE OF THE DIRECTOR,

Bangalore, dated the 17th May *193*5

D.O. No. Ag. Em/34.35
Om

Dear Sir,

The Select Committee's Report on the Mysore Road Traffic and Taxes Bill.

With reference to your letter No. P. 6336-9 of the 16th instant, I am returning herewith the report of the Committee ~~duly~~ approved by me.

Yours sincerely,

Abdul Wajid

N. R. Jaya Rao, Esq., M.A., LL.B.,
Assistant Secretary to Government,
Law Department, Bangalore.

17-5-35

DRAFT REPORT OF THE SELECT COMMITTEE ON THE MYSORE ROAD TRAFFIC AND TAXES BILL.

We, the undersigned members of the Select Committee to which the Mysore Road Traffic and Taxes Bill was referred, have considered the Bill at our meetings held on the 26th and 27th February 1935 and on the 8th, 9th, 13th and 14th March 1935 and have now the honour to submit this our report together with a copy of the Bill as amended by us.

2. *Clause 2* (7). The definition of "motor lorry" as in the Bill would include small trailers used for carrying the personal luggage of private motor car owners. It is the opinion of the Committee that they should be excluded from the definition of "lorries" and not be subject to a heavy road tax. We have therefore added the following words at the end of the definition of "motor lorry":—

"but does not include a trailer when drawn by a motor car constructed or adapted solely for the carriage of not more than seven persons including the driver and used for the carriage of their effects."

3. *Clause 4* (2).—As we consider that it will be useful to have a representative of local bodies on the Traffic Board, we have added the words "a representative of the local authorities in the State and" after the word "include" in clause 4 (2).

4. *Clause 5 sub-clauses (1) to (4).*—We have split sub-clause (4) of clause 5 into two sub-clauses and reranged sub-clauses (1) to (4).

Sub-clause (1) will be :—

"The Government may by notification invest the Board either absolutely or subject to conditions with such powers as may be necessary for the purposes mentioned in sub-section (1) of section 4."

Sub-clauses (1), (2) and (3) will be renumbered (2), (3), and (4).

A new sub-clause as follows will be added as sub-clause (5).

"The Government may prescribe the mode in which the Board shall conduct its business."

5. *Sub-clause (5) of clause 5 of the Bill.*—(1) The provision regarding holding of enquiries by the Traffic Board may come in as a separate section and we have accordingly numbered sub-clause (5) of clause 5 of the Bill as clause 6.

(2) For facilitating an enquiry, the Board should have power to summon witnesses and documents. We have accordingly redrafted sub-clause (5) (a) of clause 5 of the Bill as follows :—

"6. (1) The Board may hold an inquiry or direct inquiry to be made in regard to any accident arising out of the presence of a motor vehicle on a public road whereby damage or injury has been caused to person or property, and the Government may invest, by rules, the Board or such person as may be authorised by the Board in this behalf with such powers as may be necessary for the holding of such inquiry and for summoning and enforcing the attendance of witnesses and compelling the production of documents, and prescribe the procedure to the followed at such inquiry."

6. We are of opinion that it is necessary and useful to have advisory committees in each district to advise the Traffic Board on traffic and other connected matters in the district. We have accordingly inserted the following new clause as clause 7 regarding the constitution of District Traffic Advisory Committees.

District Traffic Advisory Committees.

"7. (1) The Government may constitute an advisory committee for each district designated the District Traffic Advisory Committee consisting of the Deputy Commissioner who shall be chairman and such other members including the President of the District Board as may be appointed by the Government from time to time.

(2) It shall be the duty of the District Traffic Advisory Committee—

(i) to consider, report to and advise the Board on any matter relating to traffic within the district;

(ii) to make representations to the Board with respect to any matter connected with the transport services and facilities in the district which are in the opinion of the committee to be considered by the Board, and

(iii) to consider, report to and advise the Board on any other matters which are referred to them by the Board."

7. *Clause 6 of the Bill.*—(1) We have added the words "used or" between the words "vehicles" and "kept for use" in order to make it clear that liability to taxation arises from the use of public roads in Mysore.

(2) Since under clause 21 of the Bill motor vehicles used solely for purposes of agriculture are exempted from all taxes except vehicle tax and since we are of opinion that lorries used for such purposes should be subject to a vehicle tax, we have inserted the words "and motor lorries used solely for purposes of agriculture" after the words "motor cars" in item (*a*), deleting the word "and" between "motor cycles" and "motor cars."

8. *Clause 7 of the Bill.*—(1) In sub-clause (2) we have substituted the words "by the registered owner or the person having possession or control of the motor vehicle" for the words "by the person who keeps a motor vehicle for use." so that the wording may be uniform with sub-clause (1) of clause 7 and clauses 8 and 9 of the Bill.

(2) Sub-clause (3) has been re-drafted as follows:—

"Taxes other than the vehicle tax shall be payable for the quarter and in advance. The taxes due for two or more consecutive quarters of the same year may be paid in advance."

9. *Clause 12 of the Bill.*—Some of the members of the committee considered that a specific provision exempting bullock carts from tolls should be incorporated in clause 12. The majority of the committee were of the opinion that it was not desirable to embody in the Regulation an exemption in respect of one category of vehicles and that as the existing exemptions in respect of bullock carts have been granted by executive orders of the Government, these exemptions may be continued by the Government under the powers vested in them by clause 18 of the Bill. Further these carts are at present subject to the levy of tolls at the District Fund toll gates of certain districts and the statutory exemption of all bullock carts from the payment of tolls would raise difficulties in the matter of the amount of compensation payable to District Boards for loss of toll revenue.

10. *Clause 13 of the Bill.*—It is considered desirable that before deciding to establish a new toll bar on a road

maintained by the District Board or to abolish an existing toll bar on such road the District Board should be given an opportunity of expressing its view. We have therefore added the following proviso to this clause.

"Provided that when it is proposed to establish a new toll bar on a road maintained by a District Board or to abolish an existing toll bar on such a road such District Board shall be given an opportunity of expressing its opinion on the proposal, before a decision is come to."

11. The payment of toll is sometimes evaded by leaving the road on which a toll bar has been located and passing over land adjacent to the toll bar. In order to prevent such evasion, we consider it desirable to prohibit vehicles or animals from passing over land within a radius of two furlongs from the toll bar without payment of toll. We have therefore added a clause as follows after clause 14 of the Bill. This is in accordance with section 109 of the Madras Local Boards Act (1920).

Evasion of payment of tolls.

"No person shall with intent to evade payment of toll cause a vehicle or animal to leave a road on which a toll bar has been placed and pass over any land within a quarter of a mile therefrom, such land not being either a public road or land of which such person is the owner or occupier."

12. *Clause* 17 (1) *of the Bill.*—The words "newly constructed" in this clause are not sufficiently definite. The intention is that the composition of tolls under this clause will apply only to the ordinary toll bars and will not cover tolls leviable at *ad hoc* toll bars established on recently constructed public roads and bridges for the recovery of the amount expended upon them. It is the opinion of the Committee that such tolls not covered by the composition fee under this clause should be limited to those levied at the toll bars on the Hemavati bridge at Akkihebbal, on the Cauvery bridge at T. Narasipur, on the Hemavati bridge at Gorur and on the Krishnarajasagara Dam and to those that may be established hereafter over roads or bridges constructed after the coming into force of this Regulation. We have therefore substituted for the words "on a road newly constructed" in clause 17 (1), the following words:—

"on any road or bridge specified in Schedule V or a road or bridge constructed after the coming into force of this Regulation."

(2) We have added the words "or bridges" after the words "upon such road."

(3) We have added another schedule as follows:

"SCHEDULE V.

RECENTLY CONSTRUCTED ROADS AND BRIDGES.

(*Section* 20):

(i) The road and bridge over the Cauvery at T. Narsipur.

(ii) The road and bridge over the Cauvery at Krishnarajasagara.

(iii) The road and bridge over the Hemavati at Gorur.

(iv) The road and bridge over the Hemavati at Akkihebbal."

13. (1) The Committee are of opinion that facilities for composition of tolls leviable at any one toll bar may be given in respect of motor cycles, motor cars, motor buses and bullock carts not laden with timber. We do not propose to allow such composition in respect of frontier toll bars and would limit such composition for each vehicle to any one toll bar. We have therefore added a clause as follows after present clause 17.—

Composition of tolls in respect of single toll bars.

21. Subject to such conditions as may be prescribed by the Government in this behalf, any person may, in respect of any of the following vehicles belonging to him, namely, (*a*) a motor cycle or (*b*) a motor car not exceeding 30 cwt. in weight unladen and constructed or adapted for the carriage of not more than seven persons including the driver or (*c*) a motor bus or (*d*) a cart drawn by a single bullock or two bullocks, pay in lieu of all tolls payable at any one toll bar established under this Regulation other than a frontier toll bar an annual composition fee at rates not exceeding the maxima specified in schedule IV (B).

Provided that such composition under this section shall not—

(i) be allowed in respect of more than one toll bar for any such motor cycle, motor car, motor bus, or cart; and

(ii) exempt such cart from tolls when laden with timber."

(2) We have added a Schedule IV B after Schedule II of the Bill indicating an annual composition fee in respect of any one toll bar at the following rates :—

		Rs.	a.	p.
Motor cycles	....	15	0	0
Motor cars	....	30	0	0
Motor buses	....	200	0	0
Carts	....	7	8	0

14. We consider it necessary that all taxes, tolls and fees collected under this Regulation should be credited to a special fund called the "Road Fund" and the proceeds thereof after deducting all charges thereon and payments to be made to local authorities under clause 24 of the Bill should be used on the construction and maintenance of roads and bridges in Mysore. Further, it is our opinion that the Traffic Board should have administrative powers over the Road Fund, subject to the control of the Government. Accordingly, we have inserted the following clauses as a separate part after Part V in regard to the constitution of the Road Fund.

"PART VI—ROAD FUND.

"25. All taxes, tolls and fees paid under this Regulation, the Mysore Motor Vehicles Regulation, 1928, and the Mysore Highways Regulation, 1920, shall be credited to a special fund, to be designated the Road Fund, to which fund shall also be credited such other sums as the Government may, from time to time, direct.

"26. The Road Fund will be debited under the orders of the Government with the following charges, that is to say,

(1) such amount as the Government may, from time to time, determine on account of the expenses incurred in the carrying into effect of the Regulations mentioned in section 25 and the rules made thereunder,

(2) payments made to local authorities under section 32, and

(3) allotments made at the discretion of the Government for such other purposes not hereinbefore mentioned as may be consistent with or necessary for the more efficient administration of the Regulations mentioned above or the rules made thereunder.

"27. The proceeds of the Road Fund after deducting the charges under section 26 shall be used on the construction and maintenance of roads and bridges in Mysore.

"28 The Board shall administer the Road Fund subject to the control of the Government in such manner as may be ordered by the Government from time to time."

15. (1) *Clause* 21 *of the Bill.*—In the explanation to this clause, we have added the words "along a public road" after the word "produce" and the words "and section 8" after the words "this section."

(2) Some of the members suggested that only a motor vehicle for hire used for transport of agricultural produce should not be deemed to be used solely for the purposes of agriculture. The majority were of the opinion that the explanation to this clause may stand as it is.

16. *Clause* 24 *of the Bill.*—(1) We have added the words "after consulting the District Board or Municipal Council concerned" after the words "a sum determined by the Government" in sub-clause (1).

(2) *Sub-clause* (3).—The Committee are of the opinion that there should be periodical revisions of the amounts payable to the local authorities. We have therefore re-drafted sub-clause (3) as follows :—

"At the end of three years from the commencement of this Regulation, the Government may, after consulting the District Board or Municipal Council concerned, prescribe the manner in which and the periods for which the amount payable thereafter to such District Board or Municipal Council shall be paid."

17. *Clause* 25 *of the Bill.*—We are of opinion that the condition of previous publication may be applied to rules made in respect of tolls also. We have therefore deleted the words "except in respect of rules relating to matters falling under Part IV of this Regulation."

18. *Schedule II of the Bill.*—This has been re-numbered as Schedule III.

(*a*) In item 2 of A, the words "four wheeled" have been omitted.

(*b*) In item 4 of A, the words "four wheeled" have been inserted between the words "every" and "motor bus."

(*c*) We have deleted item 6.

(*d*) In Item 8 of A, we have deleted the words "fuel, bamboos, or stone."

(*e*) *Item 5 of B.*—We consider that tricycles and bicycles need not be made liable to toll. We have therefore substituted the word "excluding" for "including" in this item.

(*f*) *Item 16 of B.*—We have deleted the words "fuel, bamboos or stone," imposing toll at this rate only on carts laden with timber.

(*g*) We have deleted items 11 & 12 of C.

(*h*) We have re-drafted the provisos herein as follows:—

(1) "Double the rate of tolls prescribed above may be levied in the case of carts referred to in items 6, 8, 10 12 and 14 of B, if laden and entering the State at a frontier toll bar.

(2) Double the rate of tolls prescribed above may be levied in the case of carts referred to in items 6, 8, 10, 12 and 14 of B when such carts are laden with timber.

(3) The Government may prescribe lower rates of tolls than those prescribed in this schedule on carts fitted with tyres over $2\frac{1}{2}$ inches in width or with pneumatic tyres."

19. *Schedule III of the Bill.*—(1) This is re-numbered as Schedule IV A.

(2) In regard to new section 21 which we have inserted, we add the following new schedule:—

"SCHEDULE IV B. (*Section 21*).

Rate of fee for composition in respect of a single toll bar for certain vehicles.

Class of vehicle	*Amount of annual fee*		
	Rs.	a.	p.
(*a*) Motor cycles	15	0	0
(*b*) Motor cars weighing not more than 30 cwt. in weight unladen and not constructed or adapted to carry more than seven persons including the driver.	30	0	0
(*c*) Motor buses	200	0	0
(*d*) Carts drawn by a single bullock or two bullocks...	7	8	0"

20. *Schedule IV A of the Bill.*—(1) This is re-numbered as Schedule II A.

(2) In pursuance of the amendment proposed in clause 6 of the Bill, we have added the following new item as item 5 :—

	Annual tax. Rs.
5. Motor Lorries used solely for purposes of agriculture.	60"

(3) The Committee are of opinion that on payment of the vehicle tax, a motor vehicle should be exempt from tolls at all the municipal toll bars in the State. We have therefore deleted "Privileges, etc.," and items 1 to 3 thereunder and inserted the following :—

"*Privileges and Exemptions.*—The vehicle shall be exempt from all municipal tolls."

21. *Schedule IV B of the Bill.*—(1) This has been re-numbered as Schedule II B.

(2) We have added the words "without trailers" after the words "motor-lorries" in item 1.

(3) We have added the following after item (g) :—

	Rs.
"exceeding 100 cwt. in weight unladen ...	250 300

(4) Since the schedule does not cover the cases of motor lorries used for the carriage of goods and also passengers, we have made the following changes :—

The words "and used for the carriage or haulage of goods only" are added after the word "reward" in item 2.

The following is inserted as item 3 :—

"3. Motor lorries let or plied for hire or reward and used for the carriage or haulage of goods and passengers—

(*a*) a tax as on a motorlorry under item (2) above, having a weight which bears to the unladen weight of the vehicle the same proportion as the floor area set apart for the carriage of goods bears to the total floor area of the vehicle, together with,

(*b*) a service tax calculated at the rate specified in schedule II C for every passenger which the vehicle is licensed to carry, and

(*c*) a mileage cess as on motor buses under Schedule II D.

Explanation.—Goods in items 2 and 3 above do not include light personal effects of passengers."

(5) We have re-drafted the provisos as follows :—

1. (*a*) Motor lorries not let or plied for hire or reward shall be exempt from tolls other than those levied by a municipal council in the area in which they have the permit for working in accordance with sub-section (3) of section 23.

(*b*) While working outside the said area on special permits, they are liable to both Government and municipal tolls.

(*c*) Such motor lorry shall be exempt from all municipal tolls either of the municipal council within the limits of which the owner resides or of that in the limits of which he carries on business in respect of which the vehicle is used at his option, which shall be exercised at the time of the payment of the tax.

Such motor lorry kept outside the limits of any municipality shall be free from the tolls of the municipality nearest the place of residence of the owner or his principal place of business, as the case may be, provided that such municipality is within a radius of five miles from such place. If the place is equidistant from two municipalities, such motor lorry shall be free from tolls at the municipality elected and declared by the owner at the time of the payment of the tax, provided that the declaration made shall not be subject to variation during the year.

"(2) Motor lorries let or plied for hire shall be exempt from tolls other than those levied by a municipal council in the area in which they have the permit provided that, on roads which the Board may declare as competing with the Railways in respect of traffic, they may be subject to the payment of tolls.

"(3) The provisos to Schedule II C and II D will also be applicable to the cases of vehicles under item 3 above."

22. *Schedule IV C of the Bill.*—(1) We have renumbered this as Schedule II C.

(2). It was suggested by some members that the service tax on motor buses may generally be reduced to Rs. 6 per seat but this was not agreed to by the majority of the Committee. We consider that some concession may be shown in respect of short service buses in rural areas.

We have therefore substituted the following items for those in the schedule :—

	Rs.	a.	Rs.	a.
" 1. Motor cabs other than (3) below "				
(*a*) licensed to carry in all not more than four persons, ...	30	0	45	0
(*b*) licensed to carry more than four persons, for every person which the vehicle is so licensed to carry, ...	7	8	11	4
Motor buses other than (3) below				
for every person whom the vehicle is licensed to carry				
(*a*) on routes graded as class I by the Board	7	8	11	4
(*b*) on routes graded as class II by the Board	6	0	9	0
3. Motor cabs and motor buses used for hire for a strictly limited purpose ...	25	0	37	8"

(3) We have re-drafted proviso 3 as follows :—

" Motor cabs and motor buses paying service tax shall be exempt from municipal tolls either of the municipal council within the limits of which the owner resides or of that in the limits of which he carries on business in respect of which the vehicle is used, at his option, which shall be exercised at the time of the payment of the tax.

" A motor cab or motor bus kept outside the limits of any municipality shall be free from the tolls of the municipality nearest the place of residence of the owner or his principal place of business, as the case may be, provided that such municipality is within a radius of five miles from such place. If the place is equidistant from two municipalities, the motor cab or motor bus shall be free from tolls at the municipality elected and declared by the owner at the time of the payment of the tax, provided that the declaration made shall not be subject to variation during the year."

23. *Schedule IV D of the Bill* :—(1) We have renumbered this as Schedule II D. Some members were of the opinion that the mileage cess should be fixed at so much per seat per mile and not fixed at six pies per mile irrespective of the seating capacity. After examining the several proposals, the majority of the committee decided to retain the rate as in the schedule.

(2) We have re-drafted the proviso as follows :— " Motor buses paying the mileage cess are exempt from all tolls levied either by the Government or a municipal council

except those levied at toll bars established on any road or bridge specified in Schedule V or a road or bridge constructed after the coming into force of this Regulation, for the recovery of the amount expended on such road or bridge."

24. In respect of the clause 17 of the Bill as amended, we have inserted the following as Schedule V.

SCHEDULE V.

RECENTLY CONSTRUCTED ROADS AND BRIDGES.

(Section 20).

(i)	The road and bridge over	the Cauvery at Sosale.
(ii)	do	the Cauvery at Krishnarajasagara.
(iii)	do	the Hemavati at Gorur.
(iv)	do	the Hemavathi at Akki-Hebbal

25. We have made certain verbal changes which are indicated in the Bill as annexed hereto.

26. As there have been a large number of amendments, we consider that republication of the Bill is necessary.

BILL AS AMENDED BY THE SELECT COMMITTEE.

N.B.—Portions added by the Select Committee are indicated in italics and portions deleted by them are enclosed in square brackets.

NOTIFICATION.

The Mysore Road Traffic and Taxes Bill.

Preamble. Whereas it is expedient to make further provision for the regulation of traffic on roads and to provide for the levy of certain taxes on motor vehicles;

And whereas it is expedient to amend the law relating to tolls;

It is hereby enacted as follows :—

PART I—PRELIMINARY.

Short title. (1) This Regulation may be called the Mysore Road Traffic and Taxes Regulation, 193

(2) It extends to the whole of Mysore.

(3) It shall come into force on such date as th Government may, by notification in the Official Gazette direct.

2. In this Regulation, unless there is anythin repugnant in the subject or context,—

(1) "the Board" means the Traffic Board consti tuted under this Regulation;

(2) "licensing officer" means an officer appointe by the Government to exercise the powers and perform th functions of a licensing officer under this Regulation;

(3) "motor bus" means a public service motc vehicle which is used for the carriage of persons and ha seating accommodation for eight or more persons inclusiv of the driver;

(4) "motor cab" means a public service motc vehicle used for the carriage of persons, other than a motc bus;

(5) "motor car" means a motor vehicle which i not a public service motor vehicle or a motor cycle or motor lorry;

(6) "motor cycle" means a motor vehicle withou a carriage body running on not more than three wheels an weighing not more than eight hundred-weights unlade and includes an auto-wheel and a motor scooter;

(7) "motor lorry" means a motor vehicle whic is ordinarily used for the carriage or haulage of goods c goods and passengers and includes a trailer when so usec *but does not include a trailer when drawn by a motor ca constructed or adapted solely for the carriage of not mor than seven persons including the driver and used for th carriage of their effects*;

(8) "motor vehicle" has the same meaning as i the Mysore Motor Vehicles Regulation, 1928;

(9) "prescribed" means prescribed by rules mad under this Regulation;

(10) "private motor vehicle" means any motc vehicle which is not a public service motor vehicle;

(11) "public road" means any street, road, path way, square, court, alley, passage or riding path over whic the public have a right of way, whether a thoroughfare c not and includes the road-way over any public bridge c causeway;

(12) "public service motor vehicle" means motor vehicle which is let or plied for hire or reward;

(13) "registered owner" means the person in whose name a motor vehicle or trailer is registered under the Mysore Motor Vehicles Regulation, 1928;

(14) "side car" means a wheeled carrier attached to a motor vehicle which motor vehicle rests on not more than two wheels;

(15) "tax" includes a tax, cess or fee imposed under this Regulation or rules thereunder;

(16) "trailer" means any vehicle other than a side-car drawn or propelled or intended to be drawn or propelled by a motor vehicle;

(17) "unladen weight" in relation to a motor vehicle or trailer means the weight of the vehicle or trailer including all parts and equipment which are necessary for and ordinarily used with the vehicle or trailer when working. Where alternative parts or bodies are used, the heaviest part or body shall be taken into account for the purpose of calculating the unladen weight; and

(18) "year" means the financial year, "half-year" means the first six months or the second six months of such year and "quarter" means the first three months or the second three months of such half-year.

Repeal of certain enactments.

3. The enactments mentioned in Schedule I are hereby repealed to the extent and in the manner specified in the fourth column thereof.

Provided that (*a*) the said repeal shall not affect the validity of anything done or the liability of any person to pay any sum due from him under the enactments hereby repealed, (*b*) any appointment, notification, notice, order, license, permission, rule, form, tax, fee, cess or rate, made, issued, given or imposed, toll bars established, contracts entered into and suits and other proceedings instituted under enactments hereby repealed, shall, so far as may be, be deemed to have been made, issued, given, imposed, established, entered into and instituted under this Regulation.

PART II—ADMINISTRATIVE.

Constitution of the Traffic Board.

4. (1) For the purpose of carrying out the provisions of this Regulation, the Mysore Motor Vehicles Regulation, 1928, and the Mysore Highways Regulation 1920, and the rules made under them, the Government may appoint, subject to the conditions hereinafter provided

persons, official and non-official, residing within Mysore, to constitute a Traffic Board.

The composition of the Traffic Board.

(2) The Board shall, subject to such exceptions and conditions as the Government may from time to time make and impose, include *a representative of the local authorities in the State, and* representatives of the owners of private motor vehicles, the users and proprietors of public service motor vehicles and persons having interests in agriculture, trade or commerce in Mysore.

(3) The manner and mode of selecting such representatives shall be in accordance with rules prescribed in this behalf.

(4) The Government may appoint one of the members of the Board as its Chairman and an officer in the service of the Government who may or may not be a member of the Board as its Secretary.

(5) The Chairman and the members of the Board shall hold office for the prescribed period, provided that the Government may by order at any time remove any member and on such removal his seat on the Board shall become vacant.

(6) Casual or other vacancies in the Board shall be filled up by the Government in accordance with rules prescribed in this behalf.

The duties and powers of the Board.

5. (1) *The Government may by notification invest the Board either absolutely or subject to conditions with such powers as may be necessary for the purposes mentioned in sub-section* (1) *of section* 4.

(2) [(1)] It shall be the general duty of the Board so to exercise its powers as to secure the provision of an adequate and properly co-ordinated system of public service motor transport and for that purpose, while avoiding the provision of unnecessary and wasteful competitive services, to take from time to time such steps as it considers necessary for extending and improving the facilities for such transport in such manner as to provide most efficiently and conveniently for the needs thereof.

(3) [(2)] Subject to such rules as may be prescribed, the Board shall control the number and distribution of public service motor vehicles and for this purpose shall, in particular, perform the following duties, that is to say:

(*a*) From time to time, it shall fix the routes on which public service motor vehicles may be permitted to ply;

(*b*) It shall from time to time determine the number of licenses and permits to be granted for each route and for this purpose shall be guided by the considerations setforth below;

(*c*) It shall generally supervise the regulation and control of public service motor vehicles.

(4) [(3)] When determining the number of licenses and permits to be allowed for each of the routes under sub-section (3) (b), the Board shall be guided by the following considerations, that is to say:

(*a*) the suitability and capacity of the road or roads or portions thereof covered by every proposed route for the carriage of public service motor vehicles;

(*b*) the extent, if any, to which the needs of the proposed routes or any of them are already adequately served;

(*c*) the extent to which the proposed service is necessary or desirable in the public interest;

(*d*) the needs of the area as a whole in relation to traffic (including the provision of adequate, suitable and efficient services, the elimination of unnecessary services and the provision of unremunerative services); and

(*e*) the co-ordination of all forms of transport including transport by rail.

[(4)] [The Government may by notification invest the Board either absolutely or subject to conditions with such powers as may be necessary for the purposes mentioned in sub-section (1) of section 4, and]

(5) *The Government* may prescribe the mode in which the Board shall conduct its business.

6. (1) [(5)(*a*)] The Board may hold an inquiry or direct inquiry to be made in regard to any accident arising out of the presence of a motor vehicle on a public road whereby damage or injury has been caused to [any] person, [vehicle] or *property* [animal,] and the Government may invest, by rules, the Board or such person as may be authorised by the Board in this behalf with such powers as may be necessary for the holding of such inquiry *and for summoning and enforcing the attendance of witnesses and compelling the production of documents*, and prescribe the procedure to be followed at such inquiry.

(2) Nothing in this [sub] section shall be construed as in any way affecting, amending or modifying the

provision of any other enactment relating to the holding of inquiries into such accidents by the Police or any other authority.

(3) Any report made by or to the Board as the result of an inquiry under this section shall not be used in evidence by or on behalf of any person by or against whom any legal proceedings are instituted in consequence of the accident to which the inquiry relates.

District Traffic Advisory Committee.

"7. (1) *The Government may constitute an advisory committee for each district designated the District Traffic Advisory Committee consisting of the Deputy Commissioner who shall be Chairman and such other members including the President of the District Board as may be appointed by the Government from time to time.*

(2) *It shall be the duty of the District Traffic Advisory Committee—*

(i) *to consider, report to and advise the Board on any matter relating to traffic within the district;*

(ii) *to make representations to the Board with respect to any matter connected with the transport services and facilities in the district which are in the opinion of the committee to be considered by the Board; and*

(iii) *to consider, report to and advise the Board on any other matters which are referred to them by the Board.*"

PART III—TAXATION.

Imposition of taxes on motor vehicles

8. [6.] The Government may, by notification in the Official Gazette, from time to time direct the levy of any or all of the following taxes on motor vehicles *used or* kept for use in Mysore at rates not exceeding those prescribed in Schedule II [IV] (A) to (D) and subject to the privileges, conditions, exemptions and limitations specified herein, that is to say—

(*a*) a vehicle tax on motor cycles, [and] motor cars *and* motor *lorries used solely for purposes of agriculture*,

(*b*) a road tax on motor lorries,

(*c*) a service tax on public service motor vehicles used for carrying passengers, and

(*d*) a mileage cess on motor buses.

Payment of tax and issue of license.

[7.] (1) Upon the issue of a notification under section 8, [6] no motor vehicle shall be used on any public

road in Mysore unless the registered owner or the person having possession or control thereof has obtained a license under sub-section (6) in respect of the vehicle.

(2) The vehicle tax imposed under section 8 [6] shall be payable for the year and in advance by *the registered owner or* the person [who keeps] *having possession or control of the* [a] motor vehicle [for use].

Provided that the Government may by notification allow [half-yearly period] payment of the tax *for half-yearly periods* at the rate of half the tax payable for the year.

(3) Taxes other than the vehicle tax shall be payable for the quarter and in advance [by the person who keeps a motor vehicle for use]. [Such person may pay in advance.] The taxes due for two or more consecutive quarters *of* [in] the same year *may be paid in advance.*

(4) Where a tax other than a vehicle tax for any motor vehicle has been paid for any quarter and the vehicle has not been used during the whole of that quarter or a continuous part thereof, not being less than one calendar month, a refund of the tax at such rates as may from time to time be notified by the Government shall be payable subject to such conditions as may be specified in such notification.

(5) Notwithstanding anything contained in sub-section (1), no person shall be liable to tax during any period on account of any taxable motor vehicle, the tax due in respect of which for the same period has already been paid by some other person.

(6) When any person pays the amount of tax due in respect of any taxable motor vehicle in Mysore or proves to the satisfaction of the licensing officer that no tax is payable in respect of any motor vehicle, the licensing officer shall—

(i) grant to such person a license, in such form as may be notified by the Government, to use the vehicle on public roads in Mysore for the period or periods concerned; and

(ii) record that the tax has been paid for a specified period or periods or that no tax is payable in respect of the vehicle as the case may be in the certificate of registration granted or renewed in respect of the vehicle under the rules made by the Government under the Mysore Motor Vehicles Regulation, 1928, or in the case of vehicles not registered under the said rules in a certificate in such form as may be notified by the Government.

Provided that the Government may exempt from the provision of this sub-section any person who has been exempted from the payment of tax in respect of any motor vehicle and prescribe the manner in which such exemption from payment of tax is to be indicated.

Carriage of license on vehicle.

10. [8] (1) The license granted in respect of a motor vehicle under sub-section (6) of section 9 [7] shall be exhibited upon the vehicle in such manner as may be notified by the Government and if such a license is not so carried upon such vehicle the registered owner or the person having possession or control thereof shall be punishable with fine which may extend to fifty rupees.

(2) The person in charge of any motor vehicle on any public road shall cause the vehicle to stop and to remain stationary so long as may reasonably be necessary when required to do so by any officer under the control of the Board empowered in this behalf by the Government or any police officer in uniform who is not below the rank of Sub-Inspector or who being below such rank is empowered in this behalf by the Inspector-General of Police or the District Magistrate for the purpose of satisfying himself that a license has been obtained in respect of such vehicle for the period then current.

(3) Any person failing to stop a motor vehicle when required to do so by a Police Officer or any other officer empowered under sub-section (2) shall be punishable with fine which may extend to fifty rupees.

Penalty for failure to pay tax.

11. [9] If a tax due in respect of any motor vehicle has not been paid, the registered owner or the person having possession or control thereof shall be punishable with fine which may extend to fifty rupees; and the amount of the tax due by him in respect of such vehicle shall also be recovered as if it were a fine.

Recovery of tax as an arrear of land revenue.

12. [10]. Any tax under this Regulation may also be recovered in the same manner as an arrear of land revenue. The motor vehicle in respect of which the tax is due or its accessories may be distrained or sold in pursuance of this section, whether such vehicle or accessories be or be not in the possession or control of the person liable to pay the tax.

Exemption.

13. [11]. The Government may by notification in the Official Gazette make an exemption, reduction in the rate or other modification in regard to a tax payable—

(i) by any person or class of persons, or

(ii) in respect of any motor vehicle or class of motor vehicles.

PART IV.—Tolls.

Power to cause levy of tolls on roads and bridges and to appoint collectors.

14. [12]. Subject to the rules prescribed by the Government in this behalf, the Government may cause such rates of tolls not exceeding those mentioned in Schedule III [II] hereto annexed, to be levied on any public road or bridge in Mysore, which has been, or shall hereafter be constructed or repaired at the expense of the Government, or any District Board constituted under the Mysore District Boards Regulation, 1926, and may place the collection of such tolls under the management of such persons as may appear to them proper, and all persons employed in the management and collection of such tolls shall be liable to the same responsibility as would belong to them if employed in the collection of the land revenue.

Establishment of toll-bars.

15. [13]. The Government may, from time to time declare the roads on which and the places where tolls shall be levied, and may abolish the collection of tolls on roads on which such tolls have been declared leviable, and may authorise the erection or removal of any toll bar for the purpose of carrying out the provisions of this section.

Provided that when it is proposed to establish a new toll bar on a road maintained by a District Board or to abolish an existing toll bar on such a road such District Board shall be given an opportunity of expressing its opinion on the proposal, before a decision is come to.

Powers for recovery of tolls.

16. [14]. (1) In the case of non-payment of any such toll on demand, the persons appointed or duly authorised to collect the same may seize any of the *vehicles* [carriages] or animals on which it is chargeable or any part of their burden of sufficient value to defray the toll.

(2) If any such toll remains undischarged twenty-four hours after the property has been seized *under* [as stated in] sub-section (1), the said property shall after twenty-four hours notice exclusive of Sunday or any public holiday, be sold by public auction for discharge of the toll and all expenses occasioned by such non-payment seizure and sale, by order of the officer authorised to superintend the collection of the said toll, who *shall* [may] cause any balance that may remain to be returned, on demand, to the owner of the property.

Provided that, if at any time before the sale has actually begun, the person whose property has been seized shall tender the amount of all the expenses incurred, and of double the toll payable by him, the said officer shall forthwith release the property seized. Release of seized property on tender of dues.

(3) Any amount due on account of toll may also be recovered in the same manner as an arrear of land revenue.

17. *No person shall with intent to evade payment of toll cause a vehicle or animal to leave a road on which a toll bar has been placed and pass over any land within a quarter of a mile therefrom, such land not being either a public road or land of which such person is the owner or occupier.* Evasion of payment of tolls.

18. [15]. Every person, other than the persons appointed or duly authorised to collect tolls under this Regulation, who shall levy or demand any toll on any public road or bridge, or for passing through any bazaar situated thereon, and also every person who shall unlawfully and extortionately demand, or take any other or higher toll than the lawful toll, or under colour of this Regulation seize or sell any property knowing such seizure or sale to be unlawful or in any manner unlawfully extort money or any valuable thing from any person under colour of this Regulation shall [be liable] on conviction before a Magistrate [to] *be punishable with* imprisonment for a term which may extend to six months or with fine which may extend to two hundred rupees, any part of which fine may be awarded by the Magistrate to the person aggrieved. Penalty.

19. [16]. Any person who fraudulently or forcibly passes any toll bar without paying the proper toll, or who obstructs the person appointed or duly authorised to collect the toll in the discharge of his duties, shall [be liable,] on conviction before a Magistrate, [to] *be punishable with* imprisonment for [any] a term [not exceeding] *which may extend to* three months or [to a] *with* fine [not exceeding] *which may extend to* fifty rupees. Penalty for fraudulently passing a toll bar.

20. [17]. (1) Subject to such conditions as may be prescribed by the Government in this behalf any person may, in respect of a motor cycle, motor car or motor cab belonging to him pay in lieu of all tolls other than those levied at toll bars established on *any road or bridge specified in Schedule V or a road or bridge constructed after the coming into force of this Regulation* [a road Composition of tolls.

newly constructed] for the recovery of the amount expended upon such road *or bridge*, a quarterly composition fee at rates not exceeding the maxima specified in Schedule IV A [III.] The payment of such composition fee shall exempt such vehicle from tolls levied by any municipal council.

(2) The composition fee payable under sub-section (1) shall be paid for the quarter and in advance.

(3) Any such person may pay in advance the composition fee payable under sub-section (1) for two or more consecutive quarters in the same year. When the fee is so paid, such rebate shall be allowed as may, from time to time, be notified by the Government.

Composition of tolls in respect of a single toll bar.

21. *Subject to such conditions as may be prescribed by the Government in this behalf any person may, in respect of any of the following vehicles belonging to him, namely,* (a) *a motor cycle or* (b) *a motor car not exceeding 30 cwt. in weight unladen and constructed or adapted for the carriage of not more than seven persons including the driver or* (c) *a motor bus or* (d) *a cart drawn by a single bullock or two bullocks, pay in lieu of all tolls payable at any one toll bar established under this Regulation other than a frontier toll bar an annual composition fee at rates not exceeding the maxima specified in Schedule* IV (B).

Provided that such composition under this section shall not

(i) *be allowed in respect of more than one toll bar for any such motor cycle, motor car, motor bus or cart, and*

(ii) *exempt such cart from tolls when laden with timber.*

Exemption.

22. [18] The Government may by notification in the Official Gazette make an exemption, reduction in the rate or other modification in regard to toll payable,

(*i*) by any person or class of persons, and

(*ii*) in respect of any vehicle or animal or class of vehicles or animals.

PART V.

LORRIES.

Permits for lorries.

23. [19.] (1) No person shall use a motor lorry on a public road, except under a permit granted by the prescribed authority..

(2) When a motor lorry is being used on a public road, the driver of the vehicle, if it belongs to him or is in his possession under an agreement for hire, hire-purchase or loan and in any other case the person whose agent or servant the driver is, shall, for the purpose of this part of this Regulation, be deemed to be the person by whom the vehicle is being used.

(3) The Government may, by rules, prescribe the conditions subject to which a permit may be granted under this section. In particular, but without prejudice to the generality of the foregoing powers, such conditions may include all or any of the following, that is to say,

(*a*) a condition that the motor lorry shall be used only in a specified area or between specified places;

(*b*) a condition that certain classes or descriptions of goods only shall be so carried;

(*c*) a condition that goods shall be carried only for specified persons;

(*d*) a condition that the motor lorry shall not carry more than the specified number of persons;

(*e*) when the vehicle is a motor lorry intended to be let or plied for hire or reward, such other conditions as the prescribed authority may think fit to impose in the public interest and with a view to prevent uneconomic competition.

(4) A permit under this section may be revoked or suspended by the prescribed authority by which the permit was granted on the ground that any of the conditions of the permit have not been complied with.

Provided that the said authority shall not revoke or suspend a permit unless he is satisfied after giving the holder of the permit an opportunity of being heard that the permit should be revoked or suspended.

Periodical inspection.

24 [20]. A motor lorry in respect of which a permit granted under section 23 [19] shall be subject to such periodical inspection as the Government may prescribe.

PART VI—Road Fund.

Road Fund.

" 25. *All taxes, tolls and fees paid under this Regulation, the Mysore Motor Vehicles Regulation, 1928, and the Mysore Highways Regulation, 1920, shall be credited to a special fund, to be designated the Road Fund, to which*

fund shall also be credited such other sums as the Government may from time to time direct.

Constitution of Road Fund.

26. The Road Fund will be debited under the orders of the Government with the following charges, that is to say:—

(1) such amount as the Government may from time to time determine on account of the expenses incurred in the carrying into effect of the Regulations mentioned in section 25 and the rules made thereunder,

(2) payments made to local authorities under section 32, and

(3) allotments made at the discretion of the Government for such other purposes not hereinbefore mentioned as may be consistent with or necessary for the more efficient administration of the Regulations mentioned above or the rules made thereunder.

Use of Fund.

27. The proceeds of the Road Fund after deducting the charges under section 26 shall be used on the construction and maintenance of roads and bridges in Mysore.

Administration of Fund.

28. The Board shall administer the Road Fund subject to the control of the Government in such manner as may be ordered by the Government from time to time."

PART [VI]—VII.

GENERAL.

Savings as to vehicles used for agricultural purposes.

29. [21.] No tax under this Regulation other than vehicle tax shall be levied on any motor vehicle used solely for the purposes of agriculture.

Explanation.—A motor vehicle used for transporting agricultural produce *along a public road* shall not, for the purpose of this section *and section 8*, be deemed to be used solely for the purposes of agriculture.

Protection in respect of acts done in good faith.

30. [22.] No prosecution suit or other legal proceeding shall lie against any person for anything in good faith done or intended to be done under this Regulation.

Power of Municipalities to levy taxes on motor vehicles.

31. [23.] Notwithstanding anything contained in the Mysore City, Town and Minor Municipalities Regulations, 1933, no municipal council shall levy (1) a tax on motor vehicles or (2) a toll on such motor vehicles as are exempted from payment of municipal tolls under this Regulation or the rules made thereunder.

Payment to District Boards and Municipalities for loss of tolls and vehicle tax.

32. [24.] (1) From the proceeds of tolls and taxes collected under this Regulation, the Government shall pay annually to each District Board which at the commencement of this Regulation was levying tolls and to each municipal council which at the commencement of this Regulation was levying a vehicle tax on motor vehicles, a sum determined by the Government *after consulting the District Board or the municipal council concerned* as representing the average annual income of each District Board from tolls and of each municipal council from vehicle tax on motor vehicles during the three years ending 30th day of June 193 , after deducting therefrom the expenses of collection which shall be determined by the Government in such manner as it may deem fit.

(2) In determining the amount payable to a local authority under sub-section (1) the Government shall take into account—

(*a*) the arrears of tolls or vehicle tax on motor vehicles left uncollected, which could have been collected;

(*b*) the amounts which the local authority should have paid to any other local authority on account of collections made on behalf of the latter and remaining to be adjusted; and

(*c*) the vehicle tax payable on vehicles owned by the local authority or by its employees in respect of which exemptions were granted by the local authority.

(3) At the end of three years from the commencement of this Regulation, the Government may, after consulting the District Board or Municipal Council concerned, [determine in such manner as may be then prescribed] *prescribe the manner in which and the periods for which* the amount payable thereafter to such District Board or Municipal Council *shall be paid.*

(4) The amount recovered in respect of composition of tolls under section 20 [17] the proceeds of the service tax under sub-section (c) of section 8 [6] on all public service motor vehicles plying or used solely within a municipality, and the proceeds of the mileage cess under sub-section d) of section 8, [6] shall be apportioned between the respective local authorities and the Government in such manner as may be determined by rules or orders made in this behalf.

Explanation.—A local authority for the purposes of this sub-section shall mean a District Board, a City Municipal Council or such other Town Municipal Council

or Sanitary Board as the Government may notify in this behalf.

Power of Government to make rules.

33. [25] (1) The Government may, subject to the condition of previous publication [except in respect of rules relating to matters falling under Part IV of this Regulation,] make rules for more effectively carrying out all or any of the purposes of this Regulation.

(2) All rules made under this section shall be published in the Official Gazette and on such publication shall have effect as if enacted in this Regulation.

Penalties.

34. [26.] Whoever contravenes any of the provisions of this Regulation or of any rule made thereunder shall if no other penalty is elsewhere provided in this Regulation for such contravention, be punishable with fine which may extend to one hundred rupees, and in the event of such person having been previously convicted of an offence under this Regulation or any rule made thereunder with fine which may extend to two hundred rupees.

Power of Government to amend, add to or cancel schedules.

35. [27.] The Government may, subject to the approval of the Legislative Council by a resolution recorded in this behalf alter, add to or cancel any or all of the Schedules II A to IV B of this Regulation and such alteration, addition or cancellation when published in the Official Gazette, shall have the force of law and all references in this Regulation to any of the aforesaid Schedules shall be construed as referring to such Schedules as are for the time being amended in exercise of the power conferred by this section.

36. [28.] No court inferior to that of a Second Class Magistrate shall try any offence punishable under this Regulation or the rules made thereunder, except offences punishable under Part IV of this Regulation or under rules made in respect of matters under the said part.

SCHEDULE I.

Section 3.

Year	No.	Title	Extent of repeal
1876	274	Chief Commissioner's Notification No. 274 of 1876.	The whole
1926	III	The Mysore District Boards Regulation.	Section 66 and Schedule III.

SCHEDULE [II] III.

(Section 14 [12].)

Rates of Tolls.

	A. MOTOR VEHICLES.	Rs.	a.	p.
1	On every motor cycle with or without side car ...	0	4	0
2	On every [four wheeled] motor car or motor cab constructed or adapted to carry not more than seven persons including the driver	1	0	0
3	On every four wheeled motor car constructed or adapted to carry eight persons or more including the driver	2	0	0
4	On every *four wheeled* motor bus	2	0	0
5	On every motor lorry	3	0	0
[6	Do heavy motor vehicle, *i. e.*, a motor vehicle exceeding two tons in weight unladen ...	3	0	0]
6 [7]	Do vehicle propelled by steam or motor power other than those specified above ...	3	0	0
7 [8]	Do vehicle of the categories mentioned in items 5 and 6 above, if laden with timber, [fuel, bamboos or stone] and entering the State at a frontier toll bar ...	6	0	0

	B. VEHICLES OTHER THAN MOTOR AND STEAM VEHICLES.			
1	On every four wheeled carriage	0	8	0
2	Do two wheeled carriage on springs other than a jutka or ekka	0	4	0
3	Do ekka or jutka laden	0	2	0
4	Do do unladen	0	1	0
5	Do other vehicle on springs *ex*[in]cluding a tricycle and a bicycle	0	2	0
	Do cart or other vehicle drawn by eight bullocks, buffaloes, horses, ponies, asses or mules, if laden	1	0	0
	Do cart or other vehicle drawn by eight bullocks, buffaloes, horses, ponies, asses or mules, if not laden	0	8	0
	Do cart or other vehicle drawn by six bullocks, buffaloes, horses, ponies, asses or mules, if laden...	0	8	0
	Do cart other vehicle drawn by six bullocks, buffaloes, horses, ponies, asses or mules, if not laden	0	4	0
	Do cart or other vehicle drawn by four bullocks, buffaloes, horses, ponies, asses, or mules, if laden	0	6	0

11	On every	cart or other vehicle drawn by four bullocks buffaloes, horses, ponies, asses, or mules, not laden ...	0	3	
12	Do	cart or other vehicle drawn by two bullocks, buffaloes, horses, ponies, asses or mules, if laden			
13	Do	cart or other vehicle drawn by two bullocks, buffaloes, horses, ponies, asses or mules if not laden	0	2	
14	Do	cart or other vehicle drawn by a single bullock, buffalo, horse, pony, ass or mule, if laden	0	2	0
15	Do	cart or other vehicle drawn by a single bullock, buffalo, horse, pony, ass or mule, if not laden	0	1	0
16	Do	cart or other vehicle, if laden with timber [fuel, bamboos or stone] and entering the State at a frontier toll-bar	3	0	0

C. ANIMALS, PALANQUINS, ETC.

1	On every	buffalo or bullock per head, if laden ...	0	1	0
2	Do	do not laden ...	0	0	6
3	Do	elephant	1	0	0
4	Do	camel, if laden	0	4	0
5	Do	do not laden	0	2	0
6	Do	horse, if laden or ridden	0	1	6
7	Do	horse, if unladen or not ridden	0	0	9
8	Do	thattu or mule, if laden or ridden ...	0	0	9
9	Do	do if unladen or led ...	0	0	6
10	Do	ass, if laden or ridden	0	0	6
[11	Do	ass, if unladen or led	0	0	3]
[12	Do	sheep, goat or pig	0	0	1]
11 [13]	Do	palanquin, dooly, palna or tonjon with two bearers or rickshaw	0	2	0
12 [14]	Do	palanquin, dooly, palna or tonjon with more than two bearers	0	4	0

Provisos.—

1. *Double the rate of tolls prescribed above may be levied in the case of carts referred to in items 6, 8, 10, 12, and 14 of B, if laden and entering the State at a frontier toll-bar.*
2. *Double the rate of tolls prescribed above may be levied in the case of carts referred to in items 6, 8, 10, 12 and 14 of B, when such carts are laden with timber.*
3. *The Government may prescribe lower rates of tolls than those prescribed in this schedule on carts fitted with tyres over 2½ inches in width or with pneumatic tyres.*

[1. Double the rate of tolls prescribed above may be levied in case of carts referred to in items 6, 8, 10 and 12 of B. when such carts are loaded with timber or stones.]

[2. The Government may prescribe a lower rate of tolls on carts with tyres over 2½" wide than on carts with narrower tyres.]

SCHEDULE [III] IV—A.

Section 20. [17].

Rate of fee for composition of tolls on Motor Vehicles.

Classes of vehicles	Fees per quarter					
	For vehicles fitted with pneumatic tyres on all wheels			For other vehicles		
1. *Motor cycles-*	Rs.	a.	p.	Rs.	a.	p.
(a) Motor cycles with two wheels ...	7	8	0	10	0	0
(b) Ditto, if used for drawing a trailer or side car	10	0	0	12	8	0
(c) Motor cycles with three wheels	10	0	0	12	8	0
2. *Motor cars and motor cabs.*						
(a) Weighing not more than 15 cwts., unladen	17	8	0	25	0	0
(b) Weighing more than 15 cwts. but not more than 30 cwts, unladen ...	25	0	0	37	8	0
(c) Weighing more than 30 cwts. but not more than 45 cwts, unladen ...	32	8	0	50	0	0
(d) Weighing more than 45 cwts. but not more than 60 cwts, unladen ...	40	0	0	60	0	0
(e) Weighing more than 60 cwts., unladen	50	0	0	75	0	0
(f) Additional fee payable in respect of such vehicles when used for drawing trailers—						
(i) For each trailer not exceeding 1 ton in weight, unladen ...	10	0	0	15	0	0
(ii) For each trailer exceeding one ton in weight, unladen	20	0	0	30	0	0
Provided that two or more vehicles shall not be chargeable under this class in respect of the same trailer.						

SCHEDULE IV E

(Section 21).

Rate of fee for composition in respect of a single toll bar for certain vehicles.

Class of vehicle	*Amount of annual fee*		
	Rs.	*a.*	*p.*
(a) *Motor cycles*	*15*	*0*	*0*
(b) *Motor cars weighing not more than 30 cwt. in weight unladen and not constructed or adapted to carry more than seven persons including the driver*	*30*	*0*	*0*
(c) *Motor buses*	*20*	*0*	*0*
(d) *Carts drawn by a single bullock or two bullocks*	*7*	*8*	*0*

SCHEDULE II [IV] A.

The Vehicle Tax.—(Section) 8 [6] (a)).

	Class of Vehicles	*Annual Tax* Rs.
	Motor Cycles	15
2	Motor cars, constructed or adapted to carry in all not more than seven persons including the driver—	
	(*a*) Weighing not more than 15 cwts., unladen ...	30
	(*b*) Weighing more than 15 cwts, unladen	40
3	Motor cars constructed or adapted to carry eight persons or more including the driver	60
4	For heavy motor cars, *i.e.*, motor cars exceeding two tons in weight, unladen	100
5	*Motor Lorries used solely for purposes of agriculture* ...	60

Privileges and Exemptions.

The vehicle shall be exempt from all municipal tolls.

[*Privileges and exemptions which a vehicle is entitled to and the conditions and limitations therefor.*

[1. The vehicle shall be exempt from Municipal tolls either of the Municipal Council within the limits of which the owner resides or of that in the limits of which he carries on business in respect of which the vehicle is used, at his option, which shall be exercised at the time of the payment of the tax.

[A vehicle kept outside the limits of any municipality shall be free from the tolls of the municipality nearest the place of residence of the owner or his principal place of business, as the case may be, provided that such municipality is within a radius of five miles from such place. If the place is equidistant from two municipalities, the vehicle shall be free from tolls at the municipality elected and declared by the owner at the time of the payment of the tax, provided that the declaration made shall not be, subject to variation during the year.

[2. The vehicle shall continue to have all the privileges and exemptions to which it was entitled on payment of the Municipal Vehicle Tax, both in the municipality in which such tax is payable and in other municipalities under any reciprocal arrangements that may have been in force at the commencement of this Regulation.

[3. The exemption from tolls specified above shall apply only at the ordinary toll-gates and shall not apply to *ad-hoc* toll-gates established on a newly constructed public road for the recovery of the amount expended upon such public road and the bridge or causeway, if any, over which it may lie.]

SCHEDULE II [IV] B.

Road Tax.—(Section 8 [6] (b.))

Class of Vehicles	Quarterly tax	
	Vehicles fitted with pneumatic tyres on all wheels	Other Vehicles
	Rs. a. p.	
1. Motor lorries *without trailers* not let or plied for hire or reward :		
(*a*) Not exceeding 15 cwt. in weight, unladen	30 0 0	45
(*b*) Exceeding 15 cwt. but not exceeding 25 cwt. in weight, unladen...	50 0 0	70
(*c*) Exceeding 25 cwt. but not exceeding 30 cwt. in weight, unladen...	70 0 0	90
(*d*) Exceeding 30 cwt. but not exceeding 35 cwt. in weight, unladen...	90 0 0	115
(*e*) Exceeding 35 cwt. but not exceeding 50 cwt, in weight, unladen...	112 8 0	150
(*f*) Exceeding 50 cwt. but not exceeding 70 cwt. in weight, unladen...	150 0 0	185
(*g*) Exceeding 70 cwt. but not exceeding 100 cwt. in weight. unladen.	175 0 0	225
(h) *Exceeding 100 cwt. in weight unladen*	250 0 0	*300*
(*j*) [(*h*)] Additional tax payable in respect of such vehicles when used for drawing trailers :		
(i) For each trailer not exceeding 1 ton in weight, unladen ...	60 0 0	85
(ii) For each trailer exceeding 1 ton in weight, unladen ...	125 0 0	150
Provided that two or more vehicles shall not be chargeable under this clause in respect of the same trailer.		
Motor lorries let or plied for hire or reward *and used for the carriage or haulage of goods only.*	One and half times the rate prescribed for each respective class of vehicle under 1 above.	

Classes of Vehicles	Quarterly tax	
	Vehicles fitted with pneumatic tyres on all wheels	Other vehicles
3. *Motor lorries let or plied for hire or reward and used for the carriage or haulage of goods and passengers.*	(a) *a tax as on a motor lorry under item (2) above, having a weight which bears to the unladen weight of the vehicle the same proportion as the floor area set apart for the carriage of goods bears to the total floor area of the vehicle, together with,* (b) *a service tax calculated at the rate specified in schedule II C for every passenger which the vehicle is licensed to carry, and* (c) *a mileage cess as on motor buses under schedule II D.*	

Explanation.—*Goods in items 2 and 3 above do not include light personal effects of passengers.*

Provisos.—

"1. (a) *Motor Lorries not let or plied for hire or reward shall be exempt from tolls other than those levied by a municipal council in the area in which they have the permit for working in accordance with sub section (3) of Section 23.*

(b) *While working outside the said area on special permits they are liable to both Government and municipal tolls.*

(c) *Such motor lorry shall be exempt from all municipal tolls either of the municipal council within the limits of which the owner resides or of that in the limits of which he carries on business in respect of which the vehicle is used, at his option which shall be exercised at the time of the payment of the tax.*

Such motor lorry kept outside the limits of any municipality shall be free from the tolls of the municipality nearest the place of residence of the owner or his principal place of business, as the case may be, provided that such municipality is within a radius of five miles from such place. If the place is equidistant from two municipalities, such motor lorry shall be free from tolls at the municipality elected and declared by the owner at the time of the payment of the tax, provided that the declaration made shall not be subject to variation during the year.

2. *Motor lorries let or plied for hire or reward shall be exempt from tolls other than those levied by a municipal council in the area in which they have the permit provided that, on roads which the Board may declare as competing with the Railways in respect of traffic, they may be subject to the payment of tolls.*

3. *The provisos to Schedule II C and II D will also be applicable to the cases of vehicles under item 3 above.*"

(*a*) Lorries other than those let or plied for hire shall be exempt from tolls other than those levied by a Municipal Council, in the area in which they have the permit for working in accordance with sub-section (3) of section 19.

[(*b*) While working outside the said area on special permits, they are liable to both Government and Municipal tolls.

[(*c*) They shall further be entitled to the privileges and exemptions specified in Schedule IV A.]

[2. Lorries let or plied for hire or reward shall be exempt from tolls other than those levied by a Municipal Council in the area in which they have the permit provided that, on roads which the Board may declare as competing with the Railways in respect of traffic, they may be subject to the payment of tolls.]

SCHEDULE II [IV] C.

Service Tax.—(Section 8 [6] (c)).

Class of vehicles	Quarterly tax	
	Vehicles fitted with pneumatic tyres on all wheels	Other vehicles
	Rs. a. p.	Rs. a. p.
Motor cabs other than (3) below		
(*a*) *licensed to carry in all not more than four persons,*	*30 0 0*	*45 0 0*
(*b*) *licensed to carry more than four persons, for every person whom the vehicle is so licensed to carry.*	7 8 0	11 4 0
Motor buses other than (3) below for every person whom the vehicle is licensed to carry		
(*a*) *on routes graded as class I by the Board,*	7 8 0	11 4 0
(*b*) *on routes graded as class II by the Board.*	6 0 0	9 0 0
Motor cabs and motor buses used for hire for a strictly limited purpose.	25 0 0	37 8 0

Class of Vehicles	Quarterly tax	
	Vehicles fitted with pneumatic tyres on all wheels	Other Vehicles
[1. Motor cabs and motor buses other than (2) below :—		
(*a*) Vehicles licensed under the Mysore Motor Vehicle Rules, to carry in all not more than four passengers.	30 0 0	45 0 0
(*b*) Vehicles licensed under the Mysore Motor Vehicles Rules to carry more than four passengers for every passenger which the vehicle is so licensed to carry.	7 8 0	11 4 0
2. Motor cabs and motor buses used for hire for a strictly limited purpose.	25 0 0	37 8 0]

Provisos.—

1. In the case of motor cabs one seat for the driver and in the case of motor buses two seats, one for the driver and one for the conductor, shall not be taken to account for purposes of calculating this tax.

2. A motor vehicle is said to be [let] *used* for hire for a limited purpose when it satisfies the following conditions :—

(*a*) The vehicle is owned by a public institution like a hotel or school.

(*b*) It is used exclusively for the business of such institution that is, for the conveyance of its members, clients or, workmen.

(*c*) It is used within the limits of the Municipality in which it is kept.

(*d*) It is not available for hire by the general public.

3. "*Motor cabs and motor buses paying service tax shall be exempt from municipal tolls either of the municipal council within the limits of which the owner resides or of that in the limits of which he carries on business in respect of which the vehicle is used, at his option, which shall*[1] *exercised at the time of the payment of the tax.*

A motor cab or motor bus kept outside the limits of any munici shall be free from the tolls of the municipality nearest the place of residence of the owner or his principal place of business, as the case may be, provided that such municipality is within a radius of five miles from such place. If the place is equidistant from two municipalities, the motor cab or motor bus shall be free from tolls at the municipality elected and declared by the owner at the time of the payment of the tax, provided that the declaration made shall not be subject to variation during the year.

[Motor cabs and motor buses paying the service tax shall further be entitled to the privileges and exemptions specified in schedule IV (*a*)].

SCHEDULE II [IV] D.

Mileage Cess.

Class of Vehicles.	*Rate of Tax.*
Motor buses—	
(*a*) when plying on ordinary permits as part of a regular service	Six pies per mile.
(*b*) when plying on special permits in other cases	Nine pies per mile.

Proviso.—

"*Buses paying the mileage cess are exempt from all tolls levied either by the Government or a municipal council except those levied at toll bars established on any road or bridge specified in Schedule V or a road or bridge constructed after the coming into force of this Regulation, for the recovery of the amount expended on such road or bridge.*"

[Buses paying the mileage cess are exempt from all tolls levied either by the Government or a Municipal Council, except those levied at toll-gates established on a newly constructed public road for the recovery of the amount expended on such public road and the bridge or causeway, if any, over which it may lie.] "

SCHEDULE V.

RECENTLY CONSTRUCTED ROADS AND BRIDGES.

(Section 20).

(i)	*The road and bridge over* . . .	*the Cauvery at T.-Narasipur.*
(ii)	*Do*	*the Cauvery at Krishnarajasagara.*
(iii)	*Do*	*the Hemavati at Akki-Hebbal*
(iv)	*Do*	*the Hemavati at Gorur.*

6532-34

H. C. DASAPPA, B.A., LL.B
AND
T. MARIAPPA, B.A., LL.B.
ADVOCATES.

Sayyaji Rao Road,
Mysore,
Dated 17.5. 193 5.

To

The Secretary
the Legislative Council
Mysore

Sir,

I am in receipt of your office letter No P 5937-49 dated 26th April 1935. re the Mysore Road Traffic & Taxation Bill. I write to state that I sign the report subject to note of dissent on certain points. I will be able to send my note of dissent in a week.

Submitted for kind perusal. Yours faithfully

17.5.35

H. C. Dasappa

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

No. CR 6 384 Legis

General and Revenue Secretariat,

Dated Bangalore ...21st...May.....193 5.

NOTIFICATION.

Under Standing Order No.49 of the Standing Orders for the conduct of business of the Mysore Legislative Council, the following Report of the Select Committee on the ~~Bxkk~~ Mysore Road Traffic and Taxes Bill is published for general information.

By Order,

Secretary,
Mysore Legislative Council.

The Compiler, Mysore Gazette, for publication in the issue of the Gazette dated 23rd May 1935, with a request to send 250 copies of the said notification in English and 10 copies in Kannada).

K.M.R.C.

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P 834
130

H.B.Gundappa, B.A., B.L.,
Member, Legis.Council, Hassan.

25th May 35.

TheSecretary,
Mysore Road Traffic Bill Committee,
Bangalore.

Dear Sir,

I regret to have to state that I could not furnish my opinion on the Mysore Road Traffic Bill as called for until now, as I was busy in connection with the celebration of a marriage in my family. I have since seen the bill in questic as published in the Mysore Gazette dated 23rd May 35 and I write to say that I agree with the same as amended by the Select Committee.

Yours sincerely,
H. B. Gundappa

Submitted for kind perusal
27/5/35
27/5/35
27/5/35

D.O.no.24/1

Ballabrooie,

Bangalore, 25th June 1935.

My dear Matthan,

I am very sorry not to have written sooner about the Mysore Road Traffic and Taxes Bill. It has taken me some time to work through it in the midst of a number of other files.

As a result I can find nothing to criticize. It will perhaps amuse you that I found that the one clause of which I thought the wording a little unusual was an exact reproduction of a section in the English Road Traffic Act.

May I be permitted to congratulate you upon a most admirable piece of work, which, I hope, will soon be tak as a model by the rest of India?

Yours sincerely,

Gordon

445 of 1935

D.O.no.24/1

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Yours sincerely,

Sd/- [illegible]

PROCEEDINGS OF THE GOVERNMENT OF HIS HIGHNESS
THE MAHARAJA OF MYSORE

Order No. P 342/ Legis
Gen I

Bangalore, dated the 15th July 1935.

Ordered that the accompanying Regulation to make further provision for the regulation of traffic on roads etc., which received the assent of His Highness the Maharaja on the 9th day of July 1935, be published as Regulation No. VI of 1935, in the Mysore Gazette for general information.

For General Secretary to Government.

To

The Compiler, Mysore Gazette, for publication in ~~Part IV~~ of the Gazette in English and Kannada and for the supply of spare -- copies as per Standing Orders. Proofs should be sent to this office for approval before publication.

Regulation No VI of 1935. 1/24
Received the assent of His Highness the Maharaja on the 9th day of July 1935.)

Municipalities to levy octroi duty on petrol (and any other requirements of motor transport) should cease, the essay legislation be simultaneous.

~~BILL AS AMENDED BY THE SELECT COMMITTEE.~~

N.B.—Portions added by the Select Committee are indicated in italics and portions deleted by them are enclosed in square brackets.

~~NOTIFICATION.~~

The Mysore Road Traffic and Taxes ~~Bill~~ Regulation.

Whereas it is expedient to make further provision for the regulation of traffic on roads and to provide for the levy of certain taxes on motor vehicles; Preamble.

And whereas it is expedient to amend the law relating to tolls;

It is hereby enacted as follows:—

PART I—PRELIMINARY.

1. (1) This Regulation may be called the Mysore Road Traffic and Taxes Regulation, 1935. Short title.

(2) It extends to the whole of Mysore. Local extent.

(3) It shall come into force on such date as the Government may, by notification in the Official Gazette, direct. Commencement.

2. In this Regulation, unless there is anything repugnant in the subject or context,— Definitions.

(1) "the Board" means the Traffic Board constituted under this Regulation;

(2) "licensing officer" means an officer appointed by the Government to exercise the powers and perform the functions of a licensing officer under this Regulation;

(3) "motor bus" means a public service motor vehicle which is used for the carriage of persons, and has seating accommodation for eight or more persons inclusive of the driver;

(4) "motor cab" means a public service motor vehicle used for the carriage of persons, other than a motor bus;

(5) "motor car" means a motor vehicle which is not a public service motor vehicle or a motor cycle or a motor lorry;

(6) "motor cycle" means a motor vehicle without a carriage body running on not more than three wheels and weighing not more than eight hundred-weights unladen and includes an auto-wheel and a motor scooter;

(7) "motor lorry" means a motor vehicle which is ordinarily used for the carriage or haulage of goods or goods and passengers and includes a trailer when so used, *but does not include a trailer when drawn by a motor car constructed or adapted solely for the carriage of not more than seven persons including the driver and used for the carriage of their effects*;

(8) "motor vehicle" has the same meaning as in the Mysore Motor Vehicles Regulation, 1928;

(9) "prescribed" means prescribed by rules made under this Regulation;

(10) "private motor vehicle" means any motor vehicle which is not a public service motor vehicle;

(11) "public road" means any street, road, path-way, square, court, alley, passage or riding path over which the public have a right of way, whether a thoroughfare or not and includes the road-way over any public bridge or causeway;

(12) "public service motor vehicle" means a motor vehicle which is let or plied for hire or reward;

(13) "registered owner" means the person in whose name a motor vehicle or trailer is registered under the Mysore Motor Vehicles Regulation, 1928;

(14) "side car" means a wheeled carrier attached to a motor vehicle which motor vehicle rests on not more than two wheels;

(15) "tax" includes a tax, cess or fee impo under this Regulation or rules thereunder;

(16) "trailer" means any vehicle other than a side car drawn or propelled or intended to be drawn or propelled by a moter vehicle;

(17) "unladen weight" in relation to a motor vehicle or trailer means the weight of the vehicle or trailer including all parts and equipment which are necessary for and ordinarily used with the vehicle or trailer when working. Where alternative parts or bodies are used, the heaviest part or body shall be taken into account for the purpose of calculating the unladen weight; and

(18) "year" means the financial year, "half-year" means the first six months or the second six months of such year and "quarter" means the first three months or the second three months of such half-year.

3. The enactments mentioned in Schedule I are hereby repealed to the extent and in the manner specified in the fourth column thereof. Repeal of certain enactments.

Provided that (*a*) the said repeal shall not affect the validity of anything done or the liability of any person to pay any sum due from him under the enactments hereby repealed, (*b*) any appointment, notification, notice, order, license, permission, rule, form, tax, fee, cess or rate, made, issued, given or imposed, toll bars established, contracts entered into and suits and other proceedings instituted under enactments hereby repealed, shall, so far as may be, be deemed to have been made, issued, given, imposed, established, entered into and instituted under this Regulation.

PART II—ADMINISTRATIVE.

4. (1) For the purpose of carrying out the provisions of this Regulation, the Mysore Motor Vehicles Regulation, 1928, and the Mysore Highways Regulation, 1920, and the rules made under them, the Government may appoint, subject to the conditions hereinafter provided persons, official and non-official, residing within Mysore, to constitute a Traffic Board. Constitution of the Traffic Board.

(2) The Board shall, subject to such exceptions and conditions as the Government may from time to time make and impose, include *a representative of the local authorities in the State, and* representatives of the owners of private motor vehicles, the users and proprietors of public service motor vehicles and persons having interests in agriculture, trade or commerce in Mysore. The composition of the Traffic Board.

(3) The manner and mode of selecting such representatives shall be in accordance with rules prescribed in this behalf.

(4) The Government may appoint one of the members of the Board as its Chairman and an officer in the service of the Government who may or may not be a member of the Board as its Secretary.

(5) The Chairman and the members of the Board shall hold office for the prescribed period, provided that the

Government may by order at any time remove any member and on such removal his seat on the Board shall become vacant.

(6) Casual or other vacancies in the Board shall be filled up by the Government in accordance with rules prescribed in this behalf.

The duties and powers of the Board.

5. (1) *The Government may by notification invest the Board either absolutely or subject to conditions with such powers as may be necessary for the purposes mentioned in sub-section* (1) *of section* 4.

(2) [~~(1)~~] It shall be the general duty of the Board so to exercise its powers as to secure the provision of an adequate and properly co-ordinated system of public service motor transport and for that purpose, while avoiding the provision of unnecessary and wasteful competitive services, to take from time to time such steps as it considers necessary for extending and improving the facilities for such transport in such manner as to provide most efficiently and conveniently for the needs thereof.

(3) [~~(2)~~] Subject to such rules as may be prescribed, the Board shall control the number and distribution of public service motor vehicles and for this purpose shall, in particular, perform the following duties, that is to say:

(*a*) From time to time, it shall fix the routes on which public service motor vehicles may be permitted to ply;

(*b*) It shall from time to time determine the number of licenses and permits to be granted for each route and for this purpose shall be guided by the considerations setforth below;

(*c*) It shall generally supervise the regulation and control of public service motor vehicles.

(4) [~~(3)~~] When determining the number of licenses and permits to be allowed for each of the routes under sub-section (3) (b), the Board shall be guided by the following considerations, that is to say:

(*a*) the suitability and capacity of the road or roads or portions thereof covered by every proposed route for the carriage of public service motor vehicles;

(*b*) the extent, if any, to which the needs of the proposed routes or any of them are already adequately served;

(*c*) the extent to which the proposed service is necessary or desirable in the public interest;

(*d*) the needs of the area as a whole in relation to traffic (including the provision of adequate, suitable and efficient services, the elimination of unnecessary services and the provision of unremunerative services); and

(*e*) the co-ordination of all forms of transport including transport by rail.

[(4)] [The Government may by notification invest ne Board either absolutely or subject to conditions with uch powers as may be necessary for the purposes ientioned in sub-section (1) of section 4, and]

(5) *The Government* may prescribe the mode in hich the Board shall conduct its business.

Inquiry by Board.

6. (1) [~~(5)(a)~~] The Board may hold an inquiry or direct nquiry to be made in regard to any accident arising out f the presence of a motor vehicle on a public road whereby amage or injury has been caused to [~~any~~] person, [~~vehicle~~] r *property* [~~animal,~~] and the Government may invest, by ales, the Board or such person as may be authorised by he Board in this behalf with such powers as may be ecessary for the holding of such inquiry *and for summoning and enforcing the attendance of witnesses and compelling the production of documents,* and prescribe the procedure to be followed at such inquiry.

(2) Nothing in this [~~sub~~] section shall be construed s in any way affecting, amending or modifying the rovision of any other enactment relating to the holding f inquiries into such accidents by the Police or any other uthority.

(3) Any report made by or to the Board as the esult of an inquiry under this section shall not be used a evidence by or on behalf of any person by or against hom any legal proceedings are instituted in consequence f the accident to which the inquiry relates.

District Traffic Advisory Committee.

"7. (*1*) *The Government may constitute an advisory ommittee for each district designated the District Traffic dvisory Committee consisting of the Deputy Commissioner ho shall be Chairman and such other members including he President of the District Board as may be appointed the Government from time to time.*

(*2*) *It shall be the duty of the District Traffic visory Committee—*

4

(*i*) *to consider, report to and advise the Board on any matter relating to traffic within the district*;

(*ii*) *to make representations to the Board with respect to any matter connected with the transport services and facilities in the district which are in the opinion of the committee to be considered by the Board*; *and*

(*iii*) *to consider, report to and advise the Board on any other matters which are referred to them by the Board.*"

PART III—TAXATION.

Imposition of taxes on motor vehicles.

8. [6.] The Government may, by notification in the Official Gazette, from time to time direct the levy of any or all of the following taxes on motor vehicles *used or* kept for use in Mysore at rates not exceeding those prescribed in Schedule II [I] (A) to (D) and subject to the privileges, conditions, exemptions and limitations specified therein, that is to say—

(*a*) a vehicle tax on motor cycles, [and] motor cars *and* motor *lorries used solely for purposes of agriculture*,

(*b*) a road tax on motor lorries,

(*c*) a service tax on public service motor vehicles used for carrying passengers, and

(*d*) a mileage cess on motor buses.

Payment of tax and issue of license.

9. [7.] (1) Upon the issue of a notification under section 8, [6] no motor vehicle shall be used on any public road in Mysore unless the registered owner or the person having possession or control thereof has obtained a license under sub-section (6) in respect of the vehicle.

(2) The vehicle tax imposed under section 8 [6] shall be payable for the year and in advance by *the registered owner or* the person [who keeps] *having possession or control of the* [a] motor vehicle [for use].

Provided that the Government may by notificati allow [half-yearly period] payment of the tax *for ha yearly periods* at the rate of half the tax payable for the ye

(3) Taxes other than the vehicle tax shall payable for the quarter and in advance [by the person wl keeps a motor vehicle for use]. [Such person may pay advance.] The taxes due for two or more consecuti quarters *of* [in] the same year *may be paid in advance.*

(4) Where a tax other than a vehicle tax for any motor vehicle has been paid for any quarter and the vehicle has not been used during the whole of that quarter or a continuous part thereof, not being less than one calendar month, a refund of the tax at such rates as may from time to time be notified by the Government shall be payable subject to such conditions as may be specified in such notification.

(5) Notwithstanding anything contained in sub-section (1), no person shall be liable to tax during any period on account of any taxable motor vehicle, the tax due in respect of which for the same period has already been paid by some other person.

(6) When any person pays the amount of tax due in respect of any taxable motor vehicle in Mysore or proves to the satisfaction of the licensing officer that no tax is payable in respect of any motor vehicle, the licensing officer shall—

(i) grant to such person a license, in such form as may be notified by the Gavernment, to use the vehicle on public roads in Mysore for the period or periods concerned; and

(ii) record that the tax has been paid for a specified period or periods or that no tax is papable in respect of the vehicle as the case may be in the certificate of registration granted or renewed in respect of the vehicle under the rules made by the Government under the Mysore Motor Vehicles Regulation, 1928, or in the case of vehicles ot registered under the said rules in a certificate in such orm as may be notified by the Government.

Provided that the Government may exempt from the rovision of this sub-section any person who has been xempted from the payment of tax in respect of any motor ehicle and prescribe the manner in which such exemption rom payment of tax is to be indicated.

Carriage of license on vehicle.

10. [8] (1) The license granted in respect of a motor ehicle under sub-section (6) of section 9 [7] shall be exhibited upon the vehicle in such manner as may be notified by he Government and if such a license is not so carried pon such vehicle the registered owner or the person aving possession or control thereof shall be punishable ith fine which may extend to fifty rupees.

(2) The person in charge of any motor vehicle on ny public road shall cause the vehicle to stop and to emain stationary so long as may reasonably be necessary

when required to do so by any officer under the control of the Board empowered in this behalf by the Government or any police officer in uniform who is not below the rank of Sub-Inspector or who being below such rank is empowered in this behalf by the Inspector-General of Police or the District Magistrate for the purpose of satisfying himself that a license has been obtained in respect of such vehicle for the period then current.

(3) Any person failing to stop a motor vehicle when required to do so by a Police Officer or any other officer empowered under sub-section (2) shall be punishable with fine which may extend to fifty rupees.

Penalty for failure to pay tax.

11. [9] If a tax due in respect of any motor vehicle has not been paid, the registered owner or the person having possession or control thereof shall be punishable with fine which may extend to fifty rupees; and the amount of the tax due by him in respect of such vehicle shall also be recovered as if it were a fine.

Recovery of tax as an arrear of land revenue.

12. [10]. Any tax under this Regulation may also be recovered in the same manner as an arrear of land revenue. The motor vehicle in respect of which the tax is due or its accessories may be distrained or sold in pursuance of this section, whether such vehicle or accessories be or be not in the possession or control of the person liable to pay the tax.

Exemption.

13. [11]. The Government may by notification in the Official Gazette make an exemption, reduction in the rate or other modification in regard to a tax payable—

(i) by any person or class of persons, or

(ii) in respect of any motor vehicle or class of motor vehicles.

PART IV.—TOLLS.

Power to cause levy of tolls on roads and bridges and to appoint collectors.

14. [12]. Subject to the rules prescribed by the Government in this behalf, the Government may cause such rates of tolls not exceeding those mentioned in Schedule III [11] hereto annexed, to be levied on any public road or bridge in Mysore, which has been, or shall hereafter be constructed or repaired at the expense of the Government, or any District Board constituted under the Mysore District Boards Regulation, 1926, and may place the collection of such tolls under the management of such persons as may appear to them proper, and all persons

Penalty.

18. [~~15~~]. Every person, other than the persons appointed or duly authorised to collect tolls under this Regulation, who shall levy or demand any toll on any public road or bridge, or for passing through any bazaar situated thereon, and also every person who shall unlawfully and extortionately demand, or take any other or higher toll than the lawful toll, or under colour of this Regulation seize or sell any property knowing such seizure or sale to be unlawful or in any manner unlawfully extort money or any valuable thing from any person under colour of this Regulation shall [~~be liable~~] on conviction before a Magistrate [~~to~~] *be punishable with* imprisonment for a term which may extend to six months or with fine which may extend to two hundred rupees, any part of which fine may be awarded by the Magistrate to the person aggrieved.

Penalty for fraudulently passing a toll bar.

19. [~~16~~]. Any person who fraudulently or forcibly passes any toll bar without paying the proper toll, or who obstructs the person appointed or duly authorised to collect the toll in the discharge of his duties, shall [~~be liable,~~] on conviction before a Magistrate, [~~to~~] *be punishable with* imprisonment for [~~any~~] a term [~~not exceeding~~] *which may extend to* three months or [~~to a~~] *with* fine [~~not exceeding~~] *which may extend to* fifty rupees.

Composition of tolls.

20. [~~17~~]. (1) Subject to such conditions as may be prescribed by the Government in this behalf any person may, in respect of a motor cycle, motor car or motor cab belonging to him pay, in lieu of all tolls other than those levied at toll bars established on *any road or bridge specified in Schedule V or a road or bridge constructed after the coming into force of this Regulation* [~~a road newly constructed~~] for the recovery of the amoun expended upon such road *or bridge*, a quarterly composition fee at rates not exceeding the maxima specified in Schedule IV A [~~III.~~] The payment of such composition fee shall exempt such vehicle from tolls levied by any municipal council.

(2) The composition fee payable under sub-section (1) shall be paid for the quarter and in advance.

(3) Any such person may pay in advance the composition fee payable under sub-section (1) for two or more consecutive quarters in the same year. When the fee is so paid, such rebate shall be allowed as may, from time to time, be notified by the Government.

employed in the management and collection of such tolls shall be liable to the same responsibility as would belong to them if employed in the collection of the land revenue.

Establishment of toll-bars.

15. [~~15~~]. The Government may, from time to time declare the roads on which and the places where tolls shall be levied, and may abolish the collection of tolls on roads on which such tolls have been declared leviable, and may authorise the erection or removal of any toll bar for the purpose of carrying out the provisions of this section.

Provided that when it is proposed to establish a new toll bar on a road maintained by a District Board or to abolish an existing toll bar on such a road such District Board shall be given an opportunity of expressing its opinion on the proposal, before a decision is come to.

Powers for recovery of toll.

16. [~~14~~]. (1) In the case of non-payment of any such toll on demand, the persons appointed or duly authorised to collect the same may seize any of the *vehicles* [~~carriages~~] or animals on which it is chargeable or any part of their burden of sufficient value to defray the toll.

(2) If any such toll remains undischarged for twenty-four hours after the property has been seized *under* [~~as stated in~~] sub-section (1), the said property shall after twenty-four hours notice exclusive of Sunday or any public holiday, be sold by public auction for discharge of the toll and all expenses occasioned by such non-payment seizure and sale, by order of the officer authorised to superintend the collection of the said toll, who *shall* [~~may~~] cause any balance that may remain to be returned, on demand, to the owner of the property.

Release of seized property on tender of dues.

Provided that, if at any time before the sale has actually begun, the person whose property has been seized shall tender the amount of all the expenses incurred, and of double the toll payable by him, the said officer shall forthwith release the property seized.

(3) Any amount due on account of toll may also be recovered in the same manner as an arrear of land revenue.

Evasion of payment of tolls.

17. *No person shall with intent to evade payment of toll cause a vehicle or animal to leave a road on which a toll bar has been placed and pass over any land within a quarter of a mile therefrom, such land not being either a public road or land of which such person is the owner or occupier.*

21. *Subject to such conditions as may be prescribed by the Government in this behalf any person may, in respect of any of the following vehicles belonging to him, namely,* (a) *a motor cycle or* (b) *a motor car not exceeding* 30 *cwt. in weight unladen and constructed or adapted for the carriage of not more than seven persons including the driver or* (c) *a motor bus or* (d) *a cart drawn by a single bullock or two bullocks, pay in lieu of all tolls payable at any one toll bar established under this Regulation other than a frontier toll bar an annual composition fee at rates not exceeding the maxima specified in Schedule* IV (B). Composition of tolls in respect of a single toll bar.

Provided that such composition under this section shall not

(i) *be allowed in respect of more than one toll bar for any such motor cycle, motor car, motor bus or cart, and*

(ii) *exempt such cart from tolls when laden with timber.*

22. [~~18.~~] The Government may by notification in the Official Gazette make an exemption, reduction in the rate or other modification in regard to toll payable, Exemption.

(*i*) by any person or class of persons, and

(*ii*) in respect of any vehicle or animal or classes of vehicles or animals.

PART V.

LORRIES.

23. [~~19.~~] (1) No person shall use a motor lorry on public road, except under a permit granted by the rescribed authority. Permits for lorries.

(2) When a motor lorry is being used on a public oad, the driver of the vehicle, if it belongs to him or is in is possession under an agreement for hire, hire-purchase r loan and in any other case the person whose agent or ervant the driver is, shall, for the purpose of this part of his Regulation, be deemed to be the person by whom the ehicle is being used.

(3) The Government may, by rules, prescribe the onditions subject to which a permit may be granted under his section. In particular, but without prejudice to the enerality of the foregoing powers, such conditions may nclude all or any of the following, that is to say,

(*a*) a condition that the motor lorry shall be used only in a specified area or between specified places;

(*b*) a condition that certain classes or descriptions of goods only shall be so carried;

(*c*) a condition that goods shall be carried only specified persons;

(*d*) a condition that the motor lorry shall not c more than the specified number of persons

(*e*) when the vehicle is a motor lorry intended t let or plied for hire or reward, such other conditions as the prescribed authority may think fit to impose in the public interest and with a view to prevent uneconomic competition.

(4) A permit under this section may be revoked or suspended by the prescribed authority by which the permit was granted on the ground that any of the conditions of the permit have not been complied with.

Provided that the said authority shall not revoke or suspend a permit unless he is satisfied after giving the holder of the permit an opportunity of being heard that the permit should be revoked or suspended.

eriodical spection.

24 [~~20~~]. A motor lorry in respect of which a permit is granted under section 23 [~~19~~] shall be subject to such periodical inspection as the Government may prescribe.

PART VI—ROAD FUND.

oad Fund.

25. *All taxes, tolls and fees paid under this Regulation the Mysore Motor Vehicles Regulation, 1928, and the Mysore Highways Regulation, 1920, shall be credited to a special fund, to be designated the Road Fund, to which fund shall also be credited such other sums as the Government may, from time to time, direct.*

onstitution Road Fund.

26. *The Road Fund will be debited under the orders of the Government with the following charges, that is to say—*

(1) *such amount as the Government may, from time to time, determine on account of the expenses incurred in the carrying into effect of the Regulations mentioned in section 25 and the rules made thereunder,*

(2) *payments made to local authorities under section 32, and*

(3) *allotments made at the discretion of the Gov-*

ernment for such other purposes not hereinbefore mentioned as may be consistent with or necessary for the more efficient administration of the Regulations mentioned above or the rules made thereunder.

Use of Fund.

27. *The proceeds of the Road Fund after deducting the charges under section 26 shall be used on the construction and maintenance of roads and bridges in Mysore.*

Administration of Fund.

28. *The Board shall administer the Road Fund subject to the control of the Government in such manner as may be ordered by the Government from time to time.*''

PART ~~[VI]~~—VII.

GENERAL.

Savings as to vehicles used for agricultural purposes.

29. ~~[21.]~~ No tax under this Regulation other than vehicle tax shall be levied on any motor vehicle used solely for the purposes of agriculture.

Explanation.—A motor vehicle used for transporting agricultural produce *along a public road* shall not, for the purpose of this section *and section 8*, be deemed to be used solely for the purposes of agriculture.

Protection in respect of acts done in good faith.

30. ~~[22.]~~ No prosecution suit or other legal proceeding shall lie against any person for anything in good faith done or intended to be done under this Regulation.

Power of Municipalities to levy taxes on motor vehicles.

31. ~~[23.]~~ Notwithstanding anything contained in the Mysore City, Town and Minor Municipalities Regulations, 1933, no municipal council shall levy (1) a tax on motor vehicles or (2) a toll on such motor vehicles as are exempted from payment of municipal tolls under this Regulation or the rules made thereunder.

Payment to District Boards and Municipalities for loss of tolls and vehicle tax.

32. ~~[24.]~~ (1) From the proceeds of tolls and taxes collected under this Regulation, the Government shall pay annually to each District Board which at the commencement of this Regulation was levying tolls and to each municipal council which at the commencement of this Regulation was levying a vehicle tax on motor vehicles, a sum determined by the Government *after consulting the District Board or the municipal council concerned* as representing the average annual income of each District Board from tolls and of each municipal council from vehicle tax on motor vehicles during the three years ending 30th day of June 1935, after deducting therefrom the

expenses of collection which shall be determined by the Government in such manner as it may deem fit.

(2) In determining the amount payable to a local authority under sub-section (1) the Government shall take into account—

(*a*) the arrears of tolls or vehicle tax on motor vehicles left uncollected, which could have been collected;

(*b*) the amounts which the local authority should have paid to any other local authority on account of collections made on behalf of the latter and remaining to be adjusted; and

(*c*) the vehicle tax payable on vehicles owned by the local authority or by its employees in respect of which exemptions were granted by the local authority.

(3) At the end of three years from the commencement of this Regulation, the Government may, after consulting the District Board or Municipal Council concerned, [determine in such manner as may be then prescribed] *prescribe the manner in which and the periods for which* the amount payable thereafter to such District Board or Municipal Council *shall be paid*.

(4) The amount recovered in respect of composition of tolls under section 20 [~~17~~] the proceeds of the service tax under sub-section (c) of section 8 [~~6~~] on all public service motor vehicles plying or used solely within a municipality, and the proceeds of the mileage cess under sub-section (d) of section 8, [~~6~~] shall be apportioned between the respective local authorities and the Government in such manner as may be determined by rules or orders made in this behalf.

Explanation.—A local authority for the purposes of this sub-section shall mean a District Board, a City Municipal Council or such other Town Municipal Council or Sanitary Board as the Government may notify in this behalf.

Power of Government to make rules.

33. [25] (1) The Government may, subject to the condition of previous publication [~~except in respect of rules relating to matters falling under Part IV of this Regulation,~~] make rules for more effectively carrying out all or any of the purposes of this Regulation.

(2) All rules made under this section shall be published in the Official Gazette and on such publication shall have effect as if enacted in this Regulation.

Penalties.

34. [~~26.~~] Whoever contravenes any of the provisions of this Regulation or of any rule made thereunder

shall if no other penalty is elsewhere provided in this Regulation for such contravention, be punishable with fine which may extend to one hundred rupees, and in the event of such person having been previously convicted of an offence under this Regulation or any rule made thereunder with fine which may extend to two hundred rupees.

Power of Government to amend, add to or cancel schedules.

35. [27.] The Government may, subject to the approval of the Legislative Council by a resolution recorded in this behalf alter, add to or cancel any or all of the Schedules II A to IV B of this Regulation and such alteration, addition or cancellation when published in the Official Gazette, shall have the force of law and all references in this Regulation to any of the aforesaid Schedules shall be construed as referring to such Schedules as are for the time being amended in exercise of the power conferred by this section.

36. [28.] No court inferior to that of a Second Class Magistrate shall try any offence punishable under this Regulation or the rules made thereunder, except offences punishable under Part IV of this Regulation or under rules made in respect of matters under the said part.

SCHEDULE I.

Section 3.

Year	No.	Title	Extent of repeal
1876	274	Chief Commissioner's Notification No. 274 of 1876.	The whole
1926	III	The Mysore District Boards Regulation.	Section 66 and Schedule III.

Proves the Second Schedule annexed come here.

Schedules II to A to D

16

SCHEDULE ~~[II]~~ III.

(Section 14 ~~[12]~~.)

Rates of Tolls.

			Rs.	a.	p.
	A.	MOTOR VEHICLES.			
1	On every motor cycle with or without side car	...	0	4	0
2	On every [four wheeled] motor car or motor cab constructed or adapted to carry not more than seven persons including the driver ...	...	1	0	0
3	On every four wheeled motor car constructed or adapted to carry eight persons or more including the driver.		2	0	0
4	On every *four wheeled* motor bus	... ...	2	0	0
5	Do motor lorry	... ...	3	0	0
~~[6~~	Do heavy motor vehicle, i. e., a motor vehicle exceeding two tons in weight, unladen	...	~~3~~	~~0~~	~~0]~~
6 ~~[7]~~	Do vehicle propelled by steam or motor power other than those specified above	... ...	3	0	0
7 ~~[8]~~	Do vehicle of the categories mentioned in items 5 and 6 above, if laden with timber, ~~[fuel, bamboos or stone]~~ and entering the State at a frontier toll bar	...	6	0	0
	B.	VEHICLES OTHER THAN MOTOR AND STEAM VEHICLES.			
1	On every four wheeled carriage	... ...	0	8	0
2	Do two wheeled carriage on springs other than a jutka or ekka	... ...	0	4	0
3	Do ekka or jutka, laden	... ...	0	2	0
4	Do do unladen	... ...	0	1	0
5	Do other vehicle on springs ex[in]cluding a tricycle and a bicycle	... ...	0	2	0
6	Do cart or other vehicle drawn by eight bullocks, buffaloes, horses, ponies, asses or mules, if laden	... ...	1		
7	Do cart or other vehicle drawn by eight bullocks, buffaloes, horses, ponies, asses or mules, if not laden	... ...	0	8	0
8	Do cart or other vehicle drawn by six bullocks, buffaloes, horses, ponies, asses or mules, if laden	... ...	0	8	0
9	Do cart or other vehicle drawn by six bullocks, buffaloes, horses, ponies, asses or mules, if not laden	... ...	0	4	0
10	Do cart or other vehicle drawn by four bullocks, buffaloes, horses, ponies, asses, or mules, if laden	... ...	0	6	0

		Rs.	a.	p.
	On every cart or other vehicle drawn by four bullocks, buffaloes, horses, ponies, asses or mules, if not laden	0	3	0
	Do cart or other vehicle drawn by two bullocks, buffaloes, horses, ponies, asses or mules, if laden	0	4	0
	Do cart or other vehicle drawn by two bullocks, buffaloes, horses, ponies, asses or mules, if not laden	0	2	0
	Do cart or other vehicle drawn by a single bullock, buffalo, horse, pony, ass or mule, if laden	0	2	0
	Do cart or other vehicle drawn by a single bullock, buffalo, horse, pony, ass or mule, if not laden	0	1	0
	Do cart or other vehicle, if laden with timber [fuel, bamboos or stone] and entering the State at a frontier toll-bar	3	0	0

C. ANIMALS, PALANQUINS, ETC.

1	On every buffalo or bullock per head, if laden ...	0	1	0
2	Do do not laden ...	0	0	6
3	Do elephant	1	0	0
4	Do camel, if laden	0	4	0
5	Do do not laden	0	2	0
6	Do horse, if laden or ridden	0	1	6
7	Do horse, if unladen or not ridden	0	9	0
8	Do thattu or mule, if laden or ridden ...	0	0	9
9	Do do if unladen or led ...	0	0	6
10	Do ass, if laden or ridden	0	0	6
~~[11~~	~~Do ass, if unladen or led ... ...~~	~~0~~	~~0~~	~~3]~~
~~[12~~	~~Do sheep, goat or pig ... ...~~	~~0~~	~~0~~	~~1]~~
11 [~~13~~]	Do palanquin, dooly, palna or tonjon with two bearers or rickshaw	0	2	0
12 [~~14~~]	Do palanquin, dooly, palna or tonjon with more than two bearers	0	4	0

Provisos.—

1. *Double the rate of tolls prescribed above may be levied in the case of carts referred to in items 6, 8, 10, 12, and 14 of B, if laden and entering the State at a frontier toll-bar.*
2. *Double the rate of tolls prescribed above may be levied in the case of carts referred to in items 6, 8, 10, 12 and 14 of B, when such carts are laden with timber.*
3. *The Government may prescribe lower rates of tolls than those prescribed in this schedule on carts fitted with tyres over 2½ inches in width or with pneumatic tyres.*

[1. Double the rate of tolls prescribed above may be levied in case of carts referred to in items 6, 8, 10 and 12 of B, when such carts are loaded with timber or stones.]

[2. The Government may prescribe a lower rate of tolls on carts with tyres over 2½" wide than on carts with narrower tyres.]

SCHEDULE [III] IV—

Section 20. [17].

Rate of fee for composition of tolls

Classes of vehicles	Fees per quarter					
	For vehicles fitted with pneumatic tyres on all wheels			For other vehicles		
	Rs.	a.	p.	Rs.	a.	p.
1. *Motor cycles*-						
(*a*) Motor cycles with two wheels ...	7	8	0	10	0	0
(*b*) Ditto, if used for drawing a trailer or side car	10	0	0	12	8	0
(*c*) Motor cycles with three wheels ...	10	0	0	12	8	0
2. *Motor cars and motor cabs.*						
(*a*) Weighing not more than 15 cwts., unladen	17	8	0	25	0	0
(*b*) Weighing more than 15 cwts. but not more than 30 cwts, unladen ...	25	0	0	37	8	0
(*c*) Weighing more than 30 cwts. but not more than 45 cwts, unladen ...	32	8	0	50	0	0
(*d*) Weighing more than 45 cwts. but not more than 60 cwts, unladen ...	40	0	0	60	0	0
(*e*) Weighing more than 60 cwts., unladen	50	0	0	75	0	0
(*f*) Additional fee payable in respect of such vehicles when used for drawing trailers—						
(i) For each trailer not exceeding 1 ton in weight, unladen ...	10	0	0	15	0	0
(ii) For each trailer exceeding one ton in weight, unladen	20	0	0	30	0	0
Provided that two or more vehicles shall not be chargeable under this class in respect of the same trailer.						

SCHEDULE IV B.

(Section 21).

Rate of fee for composition in respect of a single toll by certain vehicles.

Class of vehicle	*Amount of annual fee*		
	Rs.	*a.*	*p.*
(a) *Motor cycles*	*15*	*0*	*0*
(b) *Motor cars weighing not more than 30 cwt. in weight unladen and not constructed or adapted to carry more than seven persons including the driver* ...	*30*	*0*	*0*
(c) *Motor buses*	*20*	*0*	*0*
(d) *Carts drawn by a single bullock or two bullocks* ...	*7*	*8*	*0*

SCHEDULE II [IV] A.[1]

The Vehicle Tax.—(Section) 8 [6] (a)),

Class of Vehicles	*Annual Tax*
	Rs.
Motor Cycles	15
Motor cars, constructed or adapted to carry in all not more than seven persons including the driver—	
(*a*) Weighing not more than 15 cwts. unladen ...	30
(*b*) Weighing more than 15 cwts. unladen ..	40
Motor cars constructed or adapted to carry eight persons or more including the driver ...	60
For heavy motor cars, *i.e.*, motor cars exceeding two tons in weight, unladen ...	100
Motor Lorries used solely for purposes of agriculture ...	60

Privileges and Exemptions.
The vehicle shall be exempted from all municipal tolls.

[~~*Privileges and exemptions which a vehicle*~~ *is entitled to and the conditions and limitations therefor.*

[1. The vehicle shall be exempt from Municipal tolls either of the nicipal Council within the limits of which the owner resides or of in the limits of which he carries on business in respect of which vehicle is used, at his option, which shall be exercised at the time he payment of the tax.

[A vehicle kept outside the limits of any municipality shall be from the tolls of the municipality nearest the place of residence he owner or his principal place of business, as the case may be, vided that such municipality is within a radius of five miles from h place. If the place is equidistant from two municipalities, the icle shall be free from tolls at the municipality elected and declared the owner at the time of the payment of the tax, provided that the laration made shall not be, subject to variation during the year.

[2. The vehicle shall continue to have all the privileges and mptions to which it was entitled on payment of the Municipal icle Tax, both in the municipality in which such tax is payable and other municipalities under any reciprocal arrangements that may e been in force at the commencement of this Regulation.

[3. The exemption from tolls specified above shall apply only at ordinary toll-gates and shall not apply to *ad-hoc* toll-gates estab- ed on a newly constructed public road for the recovery of the ount expended upon such public road and the bridge or causeway, if , over which it may lie.]

SCHEDULE II [IV] B.

Road Tax.—(Section 8 [6] (b.))

Class of Vehicles	Quarterly tax			
	Vehicles fitted with pneumatic tyres on all wheels —			Other Vehicles
	Rs.	a.	p.	
1. Motor lorries *without trailers* not let or plied for hire or reward :				
(*a*) Not exceeding 15 cwt. in weight, unladen	30	0	0	45
(*b*) Exceeding 15 cwt. but not exceeding 25 cwt. in weight, unladen...	50	0	0	70
(*c*) Exceeding 25 cwt. but not exceeding 30 cwt. in weight, unladen...	70	0	0	90
(*d*) Exceeding 30 cwt. but not exceeding 35 cwt. in weight, unladen...	90	0	0	115
(*e*) Exceeding 35 cwt. but not exceeding 50 cwt, in weight, unladen...	112	8	0	150
(*f*) Exceeding 50 cwt. but not exceeding 70 cwt. in weight, unladen...	150	0	0	185
(*g*) Exceeding 70 cwt. but not exceeding 100 cwt. in weight unladen.	175	0	0	225
(h) *Exceeding 100 cwt. in weight unladen*	250	0	0	*300*
(*j*) [(*h*)] Additional tax payable in respect of such vehicles when used for drawing trailers :	—			
(i) For each trailer not exceeding 1 ton in weight, unladen ...	60	0	0	8[illegible]
(ii) For each trailer exceeding 1 ton in weight, unladen ...	125	0	0	150
Provided that two or more vehicles shall not be chargeable under this clause in respect of the same trailer.				
2. Motor lorries let or plied for hire or reward *and used for the carriage or haulage of goods only.*	One and half times the rate prescribed for each respective class of vehicle under 1 above.			

SCHEDULE II [IV] B.

Road Tax.—(Section 8 [6] (b.))

Class of Vehicles	Quarterly tax			
	Vehicles fitted with pneumatic tyres on all wheels —			Other Vehicles
	Rs.	a.	p.	
1. Motor lorries *without trailers* not let or plied for hire or reward :				
(*a*) Not exceeding 15 cwt. in weight, unladen	30	0	0	45
(*b*) Exceeding 15 cwt. but not exceeding 25 cwt. in weight, unladen...	50	0	0	70
(*c*) Exceeding 25 cwt. but not exceeding 30 cwt. in weight, unladen...	70	0	0	90
(*d*) Exceeding 30 cwt. but not exceeding 35 cwt. in weight, unladen...	90	0	0	115
(*e*) Exceeding 35 cwt. but not exceeding 50 cwt, in weight, unladen...	112	8	0	150
(*f*) Exceeding 50 cwt. but not exceeding 70 cwt. in weight, unladen...	150	0	0	185
(*g*) Exceeding 70 cwt. but not exceeding 100 cwt. in weight unladen.	175	0	0	225
(h) *Exceeding 100 cwt. in weight unladen*	250	0	0	300
(*j*) [(*h*)] Additional tax payable in respect of such vehicles when used for drawing trailers :	—			
(i) For each trailer not exceeding 1 ton in weight, unladen ...	60	0	0	8[illegible]
(ii) For each trailer exceeding 1 ton in weight, unladen ...	125	0	0	150
Provided that two or more vehicles shall not be chargeable under this clause in respect of the same trailer.				
2. Motor lorries let or plied for hire or reward *and used for the carriage or haulage of goods only.*	One and half times the rate prescribed for each respective class of vehicle under 1 above.			

Classes of Vehicles	Quarterly tax	
	Vehicles fitted with pneumatic tyres on all wheels	Other vehicles
otor lorries let or plied for hire or reward and used for the carriage or haulage of goods and passengers.	(a) *a tax as on a motor lorry under item (2) above, having a weight which bears to the unladen weigh of the vehicle the same proportion as the floor area set apart for the carriage of goods bears to the total floor area of the vehicle, together with,* (b) *a service tax calculated at the rate specified in schedule II C for every passenger which the vehicle is licensed to carry, and* (c) *a mileage cess as on motor buses under schedule II D.*	

Explanation.—*Goods in items 2 and 3 above do not include light personal effects of passengers.*

Provisos.—

" 1. (a) *Motor Lorries not let or plied for hire or reward shall be exempt from tolls other than those levied by a municipal council in the area in which they have the permit for working in accordance with sub-section (3) of Section 23.*

(b) *While working outside the said area on special permits they are liable to both Government and municipal tolls.*

(c) *Such motor lorry shall be exempt from all municipal tolls either of the municipal council within the limits of which the owner resides or of that in the limits of which he carries on business in respect of which the vehicle is used, at his option which shall be exercised at the time of the payment of the tax.*

Such motor lorry kept outside the limits of any municipality shall be free from the tolls of the municipality nearest the place of residence of the owner or his principal place of business, as the case may be, provided that such municipality is within a radius of five miles from such place. If the place is equidistant from two municipalities, such motor lorry shall be free from tolls at the municipality elected and declared by the owner at the time of the payment of the tax, provided that the declaration made shall not be subject to variation during the year.

Motor lorries let or plied for hire or reward shall be exempt from tolls other than those levied by a municipal council in the area in which they have the permit provided that, on roads which the Board may declare as competing with the Railways in respect of traffic, they may be subject to the payment of tolls.

3. *The provisos to Schedule II C and II D will also be applicable to the cases of vehicles under item 3 above.*"

[1. (*a*) Lorries other than those let or plied for hire shall be exempt from tolls other than those levied by a Municipal Council in the area in which they have the permit for working in accordance with sub-section (3) of section 19.

[(*b*) While working outside the said area on special permits, they are liable to both Government and Municipal tolls.

[(*c*) They shall further be entitled to the privileges and exemptions specified in Schedule IV A.]

[2. Lorries let or plied for hire or reward shall be exempt from tolls other than those levied by a Municipal Council in the area in which they have the permit provided that, on roads which the Board may declare as competing with the Railways in respect of traffic, they may be subject to the payment of tolls.]

SCHEDULE II [IV] C.

Service Tax.—(Section 8 [6] (c)).

Class of vehicles	Quarterly tax	
	Vehicles fitted with pneumatic tyres on all wheels	Other vehicles
	Rs. a. p.	Rs. a. p.
1. *Motor cabs other than (3) below*		
(*a*) *licensed to carry in all not more than four persons,*	30 0 0	45 0 0
(*b*) *licensed to carry more than four persons, for every person whom the vehicle is so licensed to carry.*	7 8 0	1
2. *Motor buses other than (3) below for every person whom the vehicle is licensed to carry*		
(*a*) *on routes graded as class I by the Board,*	7 8 0	11 4 0
(*b*) *on routes graded as class II by the Board.*	6 0 0	9 0 0
3. *Motor cabs and motor buses used for hire for a strictly limited purpose.*	25 0 0	37 8 0

Class of Vehicles	Quarterly tax	
	Vehicles fitted with pneumatic tyres on all wheels	Other Vehicles
Motor cabs and motor buses other than (2) below :—		
(1) Vehicles licensed under the Mysore Motor Vehicle Rules, to carry in all not more than four passengers.	30 0 0	45 0 0
(2) Vehicles licensed under the Mysore Motor Vehicles Rules to carry more than four passengers for every passenger which the vehicle is so licensed to carry.	0	11 4 0
Motor cabs and motor buses used for hire for a strictly limited purpose.	25 0 0	37 8 0

sos.—

. In the case of motor cabs one seat for the driver and in the of motor buses two seats, one for the driver and one for the ctor, shall not be taken to account for purposes of calculating ax.

. A motor vehicle is said to be ~~let~~ *used* for hire for a limited se when it satisfies the following conditions :—

(*a*) The vehicle is owned by a public institution like a hotel or school.

(*b*) It is used exclusively for the business of such institution that is, for the conveyance of its members, clients or, workmen.

(*c*) It is used within the limits of the Municipality in which it is kept.

(*d*) It is not available for hire by the general public.

3. "*Motor cabs and motor buses paying service tax shall be exemp n municipal tolls either of the municipal council within the limits o ch the owner resides or of that in the limits of which he carries on busi s in respect of which the vehicle is used, at his option, which shall b rcised at the time of the payment of the tax.*

A motor cab or motor bus kept outside the limits of any municipalit ll be free from the tolls of the municipality nearest the place of residenc he owner or his principal place of business, as the case may be, provide such municipality is within a radius of five miles from such place the place is equidistant from two municipalities, the motor cab or moto shall be free from tolls at the municipality elected and declared by th ner at the time of the payment of the tax, provided that the declaratio de shall not be subject to variation during the year.

[Motor cabs and motor buses paying the service tax shall furthe entitled to the privileges and exemptions specified in schedule IV (*a*)]

SCHEDULE II [IV] D.

Mileage Cess.

Class of Vehicles.	
Motor buses—	
(*a*) when plying on ordinary permits as part of a regular service	Six pies per mile.
(*b*) when plying on special permits in other cases	Nine pies per mile.

Proviso.—

" Buses paying the mileage cess are exempt from all tolls levied either by the Government or a municipal council except those levied at toll bars established on any road or bridge specified in Schedule V or a road or bridge constructed after the coming into force of this Regulation, for the recovery of the amount expended on such road or bridge."

[Buses paying the mileage cess are exempt from all tolls levied either by the Government or a Municipal Council, except those levied at toll-gates established on a newly constructed public road for the recovery of the amount expended on such public road and the bridge or causeway, if any, over which it may lie.]

SCHEDULE V.

RECENTLY CONSTRUCTED ROADS AND BRIDGES.

(Section 20).

(i)	*The road and bridge over*	*the Cauvery at T.-Narasipur.*
(ii)	*Do*	*the Cauvery at Krishnarajasagara.*
(iii)	*Do*	*the Hemavati at Akki-Hebbal*
(iv)	*Do*	*the Hemavati at Gorur.*

SUBJECT..

Section. Jegis
File No. 43-34
Serial No. 2

Proceedings of the Government of H. H. the Maharaja of Mysore.

Diary No. of letter replied to....

Order No. P.3.42/Gen'l

Ordered that the accompanying Regulation to make further provision for the regulation of traffic on roads

which received the assent of His Highness the Maharaja, on the 9th day of July 1935, be published as Regulation No. V of 1935, in the *Mysore Gazette* for general information.

GENERAL AND REVENUE SECRETARIAT,

(-)

, *the*.....*191* .

Date of issue... 15-7-35

Signed by.....

Secretary to Government.

General Dep

May this be—

(i) Printed?

(ii) Treated as a standing order?

iii) Published in the "Gazette" English

(iv) Translated?

( ) Placed at the disposal of the Press?

To

The Compiler, *Mysore Gazette*, for publication in Part IV of the Gazette, in English and Kannada and for supply of as per 5.0 .....spare copies in ~~English, and~~ .....~~spare copies in Kannada~~ to ~~this office, and.....spare copies in English and.....spare copies in Kannada to the Curator, Government Central Book Depot, Bangalore.~~ Proofs should be sent to this office for approval before publication.

PROCEEDINGS OF THE GOVERNMENT OF HIS HIGHNESS
THE MAHARAJA OF MYSORE

Order No

Bangalore, dated the 15th July 1935.

Ordered that the accompanying Regulation to make further provision for the regulation of traffic on roads etc., which received the assent of His Highness the Maharaja, on the 9th day of July 1935, be published as Regulation No. VI of 1935, in the Mysore Gazette for general information.

For General Secretary to Government

To

The Compiler, Mysore Gazette, for publication in Part IV of the Gazette in English and Kannada and for the supply of spare -- copies as per Standing Orders. Proofs should be sent to this office for approval before publication.

ate

No. P 521

Sec

GENERAL AND REVENUE SECRETARIAT,

Bangalore, Dated, 23rd July 1935.

136

My dear Rangachar,

I am herewith sending the second proof of the Road Traffic and Taxes Regulation. Please go through it carefully and see if any corrections are necessary, before placing the print order.

Yours sincerely,

H. Rangachar, Esq., B.A.,
District Traffic Superintendent,
Mysore Railways.

Proof for off.
DG 13
19-7-35

REGULATION No. VI OF 1935.

(Received the assent of His Highness the Maharaja on the 9th day of July 1935.)

Ordered that the accompanying Regulation to make further provision for the regulation of traffic on roads etc., which received the assent of His Highness the Maharaja, on the 9th day of July 1935, be published as Regulation No. VI of 1935, in the *Mysore Gazette* for general information.

K. V. ANANTHARAMAN, I.C.S.
For *General Secretary to,*
Government.

The Mysore Road Traffic and Taxes Regulation.

Preamble.

Whereas it is expedient to make further provision for the regulation of traffic on roads and to provide for the levy of certain taxes on motor vehicles;

And whereas it is expedient to amend the law relating to tolls;

It is hereby enacted as follows:—

PART I—PRELIMINARY.

Short title.

1. (1) This Regulation may be called the Mysore Road Traffic and Taxes Regulation, 1935.

Local extent.

(2) It extends to the whole of Mysore.

Commencement.

(3) It shall come into force on such date as the Government may, by notification in the Official Gazette, direct.

Definitions.

2. In this Regulation, unless there is anything repugnant in the subject or context,—

(1) "the Board" means the Traffic Board constituted under this Regulation;

(2) "licensing officer" means an officer appointed by the Government to exercise the powers and perform the functions of a licensing officer under this Regulation;

(3) "motor bus" means a public service motor vehicle which is used for the carriage of persons and has seating accommodation for eight or more persons inclusive of the driver;

(4) "motor cab" means a public service motor vehicle used for the carriage of persons, other than a motor bus;

(5) "motor car" means a motor vehicle which is not a public service motor vehicle or a motor cycle or a motor lorry;

(6) "motor cycle" means a motor vehicle without a carriage body running on not more than three wheels and weighing not more than eight hundred-weights unladen and includes an auto-wheel and a motor scooter;

(7) "motor lorry" means a motor vehicle which is ordinarily used for the carriage or haulage of goods or goods and passengers and includes a trailer when so used, but does not include a trailer when drawn by a motor car constructed or adapted solely for the carriage of not more than seven persons including the driver and used for the carriage of their effects;

(8) "motor vehicle" has the same meaning as in the Mysore Motor Vehicles Regulation, 1928;

(9) "prescribed" means prescribed by rules made under this Regulation;

(10) "private motor vehicle" means any motor vehicle which is not a public service motor vehicle;

(11) "public road" means any street, road, path-way, square, court, alley, passage or riding path over which the public have a right of way, whether a thoroughfare or not and includes the road-way over any public bridge or causeway;

(12) "public service motor vehicle" means a motor vehicle which is let or plied for hire or reward;

(13) "registered owner" means the person in whose name a motor vehicle or trailer is registered under the Mysore Motor Vehicles Regulation, 1928;

(14) "side car" means a wheeled carrier attached to a motor vehicle which motor vehicle rests on not more than two wheels;

(15) "tax" includes a tax, cess or fee imposed under this Regulation or rules thereunder;

(16) "trailer" means any vehicle other than a side car drawn or propelled or intended to be drawn or propelled by a motor vehicle;

(17) "unladen weight" in relation to a motor vehicle or trailer means the weight of the vehicle or trailer including all parts and equipment which are necessary for and ordinarily used with the vehicle or trailer when working. Where alternative parts or bodies are used, the heaviest part or body shall be taken into account for the purpose of calculating the unladen weight; and

(5) "motor car" means a motor vehicle which is not a public service motor vehicle or a motor cycle or a motor lorry;

(6) "motor cycle" means a motor vehicle without a carriage body running on not more than three wheels and weighing not more than eight hundred-weights unladen and includes an auto-wheel and a motor scooter;

(7) "motor lorry" means a motor vehicle which is ordinarily used for the carriage or haulage of goods or goods and passengers and includes a trailer when so used, but does not include a trailer when drawn by a motor car constructed or adapted solely for the carriage of not more than seven persons including the driver and used for the carriage of their effects;

(8) "motor vehicle" has the same meaning as in the Mysore Motor Vehicles Regulation, 1928;

(9) "prescribed" means prescribed by rules made under this Regulation;

(10) "private motor vehicle" means any motor vehicle which is not a public service motor vehicle;

(11) "public road" means any street, road, path-way, square, court, alley, passage or riding path over which the public have a right of way, whether a thoroughfare or not and includes the road-way over any public bridge or causeway;

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(15) "tax" includes a tax, cess or fee imposed under this Regulation or rules thereunder;

(16) "trailer" means any vehicle other than a side car drawn or propelled or intended to be drawn or propelled by a motor vehicle;

(17) "unladen weight" in relation to a motor vehicle or trailer means the weight of the vehicle or trailer including all parts and equipment which are necessary for and ordinarily used with the vehicle or trailer when working. Where alternative parts or bodies are used, the heaviest part or body shall be taken into account for the purpose of calculating the unladen weight; and

(18) "year" means the financial year, "half-year" means the first six months or the second six months of such year and "quarter" means the first three months or the second three months of such half-year.

Repeal of certain enactments.

3. The enactments mentioned in Schedule I are hereby repealed to the extent and in the manner specified in the fourth column thereof.

Provided that (*a*) the said repeal shall not affect the validity of anything done or the liability of any person to pay any sum due from him under the enactments hereby repealed, (*b*) any appointment, notification, notice, order, license, permission, rule, form, tax, fee, cess or rate, made, issued, given or imposed, toll bars established, contracts entered into and suits and other proceedings instituted under enactments hereby repealed, shall, so far as may be, be deemed to have been made, issued, given, imposed, established, entered into and instituted under this regulation.

PART II—ADMINISTRATIVE.

Constitution of the Traffic Board.

4. (1) For the purpose of carrying out the provisions of this Regulation, the Mysore Motor Vehicles Regulation, 1928, and the Mysore Highways Regulation, 1920, and the rules made under them, the Government may appoint, subject to the conditions hereinafter provided, persons, official and non-official, residing within Mysore, to constitute a Traffic Board.

The composition of the Traffic Board.

(2) The Board shall, subject to such exceptions and conditions as the Government may from time to time make and impose, include *a representative of the local authorities of the State, and* representatives of the owners of private motor vehicles, the users and proprietors of public service motor vehicles and persons having interests in agriculture, trade or commerce in Mysore.

(3) The manner and mode of selecting such representatives shall be in accordance with rules prescribed in this behalf.

(4) The Government may appoint one of the members of the Board as its Chairman and an officer in the service of the Government, who may or may not be a member of the Board as its Secretary.

(5) The Chairman and the members of the Board shall hold office for the prescribed period, provided that the

Government may by order at any time remove any member and on such removal his seat on the Board shall become vacant.

(6) Casual or other vacancies in the Board shall be filled up by the Government in accordance with rules prescribed in this behalf.

The duties and powers of the Board.

5. (1) The Government may by notification invest the Board either absolutely or subject to conditions with such powers as may be necessary for the purposes mentioned in sub-section (1) of section 4.

(2) It shall be the general duty of the Board so to exercise its powers as to secure the provision of an adequate and properly co-ordinated system of public service motor transport and for that purpose, while avoiding the provision of unnecessary and wasteful competitive services, to take from time to time such steps as it considers necessary for extending and improving the facilities for such transport in such manner as to provide most efficiently and conveniently for the needs thereof.

(3) Subject to such rules as may be prescribed, the Board shall control the number and distribution of public service motor vehicles and for this purpose shall, in particular, perform the following duties, that is to say:

(*a*) From time to time, it shall fix the routes on which public service motor vehicles may be permitted to ply;

(*b*) It shall from time to time determine the number of licenses and permits to be granted for each route and for this purpose shall be guided by the considerations setforth below;

(*c*) It shall generally supervise the regulation and control of public service motor vehicles.

(4) When determining the number of licenses and permits to be allowed for each of the routes under sub-section (3) (b), the Board shall be guided by the following considerations, that is to say:

(*a*) the suitability and capacity of the road or roads or portions thereof covered by every proposed route for the carriage of public service motor vehicles;

(*b*) the extent, if any, to which the needs of the proposed routes or any of them are already adequately served;

(*c*) the extent to which the proposed service is necessary or desirable in the public interest;

(*d*) the needs of the area as a whole in relation to traffic (including the provision of adequate, suitable and efficient services, the elimination of unnecessary services and the provision of unremunerative services); and

(*e*) the co-ordination of all forms of transport including transport by rail:

(5) The Government may prescribe the mode in which the Board shall conduct its business.

Inquiry by Board.

6. (1) The Board may hold an inquiry or direct inquiry to be made in regard to any accident arising out of the presence of a motor vehicle on a public road whereby damage or injury has been caused to person, or *property* and the Government may invest, by rules, the Board or such person as may be authorised by the Board in this behalf with such powers as may be necessary for the holding of such inquiry and for summoning and enforcing the attendance of witnesses and compelling the production of documents, and prescribe the procedure to be followed at such inquiry.

(2) Nothing in this section shall be construed as in any way affecting, amending or modifying the provision of any other enactment relating to the holding of inquiries into such accidents by the Police or any other authority.

(3) Any report made by or to the Board as the result of an inquiry under this section shall not be used in evidence by or on behalf of any person by or against whom any legal proceedings are instituted in consequence of the accident to which the inquiry relates.

District Traffic Advisory Committees.

7. (1) The Government may constitute an advisory committee for each district designated the District Traffic Advisory Committee consisting of the Deputy Commissioner who shall be Chairman and such other members including the President of the District Board as may be appointed by the Government from time to time.

(2) It shall be the duty of the District Traffic Advisory Committee—

(*i*) to consider, report to and advise the Board on any matter relating to traffic within the district;

(*ii*) to make representations to the Board with respect to any matter connected with the transport services

and facilities in the district which are in the opinion of the committee to be considered by the Board; and

(*iii*) to consider, report to and advise the Board on any other matters which are referred to them by the Board."

PART III—TAXATION.

8. [6.] The Government may, by notification in the Official Gazette, from time to time direct the levy of any or all of the following taxes on motor vehicles *used or* kept for use in Mysore at rates not exceeding those prescribed in Schedule II (A) to (D) and subject to the privileges, conditions, exemptions and limitations specified therein, that is to say—

(*a*) a vehicle tax on motor cycles, motor cars and motor lorries used solely for purposes of agriculture,

(*b*) a road tax on motor lorries,

(*c*) a service tax on public service motor vehicles used for carrying passengers, and

(*d*) a mileage cess on motor buses.

9. (1) Upon the issue of a notification under section 8, no motor vehicle shall be used on any public road in Mysore unless the registered owner or the person having possession or control thereof has obtained a license under sub-section (6) in respect of the vehicle.

(2) The vehicle tax imposed under section 8 shall be payable for the year and in advance by *the registered owner or* the person *having possession or control of the* motor vehicle.

Provided that the Government may by notification allow payment of the tax for half-yearly periods at the rate of half the tax payable for the year.

(3) Taxes other than the vehicle tax shall be payable for the quarter and in advance. The taxes due for two or more consecutive quarters of the same year may be paid in advance.

(4) Where a tax other than a vehicle tax for any motor vehicle has been paid for any quarter and the vehicle has not been used during the whole of that quarter or a continuous part thereof, not being less than one calendar month, a refund of the tax at such rates as may from time

to time be notified by the Government shall be payable subject to such conditions as may be specified in such notification.

(5) Notwithstanding anything contained in sub-section (1), no person shall be liable to tax during any period on account of any taxable motor vehicle, the tax due in respect of which for the same period has already been paid by some other person.

(6) When any person pays the amount of tax due in respect of any taxable motor vehicle in Mysore or proves to the satisfaction of the licensing officer that no tax is payable in respect of any motor vehicle, the licensing officer shall—

(i) grant to such person a license, in such form as may be notified by the Gavernment, to use the vehicle on public roads in Mysore for the period or periods concerned; and

(ii) record that the tax has been paid for a specified period or periods or that no tax is payable in respect of the vehicle as the case may be in the certificate of registration granted or renewed in respect of the vehicle under the rules made by the Government under the Mysore Motor Vehicles Regulation, 1928, or in the case of vehicles not registered under the said rules in a certificate in such form as may be notified by the Government.

Provided that the Government may exempt from the provision of this sub-section any person who has been exempted from the payment of tax in respect of any motor vehicle and prescribe the manner in which such exemption from payment of tax is to be indicated.

Carriage of license on vehicle.

10. The license granted in respect of a motor vehicle under sub-section (6) of section 9 shall be exhibited upon the vehicle in such manner as may be notified by the Government and if such a license is not so carried upon such vehicle the registered owner or the person having possession or control thereof shall be punishable with fine which may extend to fifty rupees.

(2) The person in charge of any motor vehicle on any public road shall cause the vehicle to stop and to remain stationary so long as may reasonably be necessary when required to do so by any officer under the control of the Board empowered in this behalf by the Government or any police officer in uniform who is not below the rank of Sub-Inspector or who being below such rank is empowered in this behalf by the Inspector-General of

Police or the District Magistrate for the purpose of satisfying himself that a license has been obtained in respect of such vehicle for the period then current.

(3) Any person failing to stop a motor vehicle when required to do so by a Police Officer or any other officer empowered under sub-section (2) shall be punishable with fine which may extend to fifty rupees.

11. If a tax due in respect of any motor vehicle has not been paid, the registered owner or the person having possession or control thereof shall be punishable with fine which may extend to fifty rupees; and the amount of the tax due by him in respect of such vehicle shall also be recovered as if it were a fine.

12. Any tax under this Regulation may also be recovered in the same manner as an arrear of land revenue. The motor vehicle in respect of which the tax is due or its accessories may be distrained or sold in pursuance of this section, whether such vehicle or accessories be or be not in the possession or control of the person liable to pay the tax.

13. The Government may by notification in the Official Gazette make an exemption, reduction in the rate or other modification in regard to a tax payable—

(i) by any person or class of persons, or

(ii) in respect of any motor vehicle or class of motor vehicles.

PART IV.—TOLLS.

14. Subject to the rules prescribed by the Government in this behalf, the Government may cause such rates of tolls not exceeding those mentioned in Schedule III hereto annexed, to be levied on any public road or bridge in Mysore, which has been, or shall hereafter be constructed or repaired at the expense of the Government, or any District Board constituted under the Mysore District Boards Regulation, 1926, and may place the collection of such tolls under the management of such persons as may appear to them proper, and all persons employed in the management and collection of such tolls shall be liable to the same responsibility as would belong to them if employed in the collection of the land revenue.

15. The Government may, from time to time declare the roads on which and the places where tolls

shall be levied, and may abolish the collection of tolls on roads on which such tolls have been declared leviable, and may authorise the erection or removal of any toll bar for the purpose of carrying out the provisions of this section.

Provided that when it is proposed to establish a new toll bar on a road maintained by a District Board or to abolish an existing toll bar on such a road such District Board shall be given an opportunity of expressing its opinion on the proposal, before a decision is come to.

Powers for recovery of toll

16. (1) In the case of non-payment of any such toll on demand, the persons appointed or duly authorised to collect the same may seize any of the vehicles or animals on which it is chargeable or any part of their burden of sufficient value to defray the toll.

(2) If any such toll remains undischarged for twenty-four hours after the property has been seized under sub-section (1), the said property shall after twenty-four hours notice exclusive of Sunday or any public holiday, be sold by public auction for discharge of the toll and all expenses occasioned by such non-payment seizure and sale, by order of the officer authorised to superintend the collection of the said toll, who shall cause any balance that may remain to be returned, on demand, to the owner of the property.

Release of seized property on tender of dues.

Provided that, if at any time before the sale has actually begun, the person whose property has been seized shall tender the amount of all the expenses incurred, and of double the toll payable by him, the said officer shall forthwith release the property seized.

(3) Any amount due on account of toll may also be recovered in the same manner as an arrear of land revenue.

Evasion of payment of tolls.

17. No person shall with intent to evade payment of toll cause a vehicle or animal to leave a road on which a toll bar has been placed and pass over any land within a quarter of a mile therefrom, such land not being either a public road or land of which such person is the owner or occupier.

Penalty.

18. Every person, other than the persons appointed or duly authorised to collect tolls under this Regulation, who shall levy or demand any toll on any public road or bridge, or for passing through any bazaar situated thereon, and also every person who shall unlaw-

fully and extortionately demand, or take any other or higher toll than the lawful toll, or under colour of this Regulation seize or sell any property knowing such seizure or sale to be unlawful or in any manner unlawfully extort money or any valuable thing from any person under colour of this Regulation shall on conviction before a Magistrate be punishable with imprisonment for a term which may extend to six months or with fine which may extend to two hundred rupees, any part of which fine may be awarded by the Magistrate to the person aggrieved.

Penalty for fraudulently passing a toll bar.

19. Any person who fraudulently or forcibly passes any toll bar without paying the proper toll, or who obstructs the person appointed or duly authorised to collect the toll in the discharge of his duties, shall on conviction before a Magistrate, be punishable, with imprisonment for a term which may extend to three months or with fine which may extend to fifty rupees.

Composition of tolls.

20. (1) Subject to such conditions as may be prescribed by the Government in this behalf any person may, in respect of a motor cycle, motor car or motor cab belonging to him pay in lieu of all tolls other than those levied at toll bars established on *any road or bridge specified in Schedule V or a road or bridge constructed after the coming into force of this Regulation* for the recovery of the amount expended upon such road *or bridge*, a quarterly composition fee at rates not exceeding the maxima specified in Schedule IV A. The payment of such composition fee shall exempt such vehicle from tolls levied by any municipal council.

(2) The composition fee payable under sub-section (1) shall be paid for the quarter and in advance.

(3) Any such person may pay in advance the composition fee payable under sub-section (1) for two or more consecutive quarters in the same year. When the fee is so paid, such rebate shall be allowed as may, from time to time, be notified by the Government.

Composition of tolls in respect of a single toll bar.

21. Subject to such conditions as may be prescribed by the Government in this behalf any person may, in respect of any of the following vehicles belonging to him; namely, (*a*) a motor cycle or (*b*) a motor car not exceeding 30 cwt. in weight unladen and constructed or adapted for the carriage of not more than seven persons including the driver or (*c*) a motor bus or (*d*) a cart drawn by a single bullock or two bullocks; pay in lieu of all tolls payable at

any one toll bar established under this Regulation other than a frontier toll bar an annual composition fee at rates not exceeding the maxima specified in Schedule IV (B).

Provided that such composition under this section shall not,

(*i*) be allowed in respect of more than one toll bar for any such motor cycle, motor car, motor bus or cart, and

(*ii*) exempt such cart from tolls when laden with timber.

Exemption.

22. The Government may by notification in the Official Gazette make an exemption, reduction in the rate or other modification in regard to toll payable,

(*i*) by any person or class of persons, and

(*ii*) in respect of any vehicle or animal or classes of vehicles or animals.

PART V.

LORRIES.

Permits for lorries.

23. No person shall use a motor lorry on a public road, except under a permit granted by the prescribed authority.

(2) When a motor lorry is being used on a public road, the driver of the vehicle, if it belongs to him or is in his possession under an agreement for hire, hire-purchase or loan and in any other case the person whose agent or servant the driver is, shall, for the purpose of this part of this Regulation, be deemed to be the person by whom the vehicle is being used.

(3) The Government may, by rules, prescribe the conditions subject to which a permit may be granted under this section. In particular, but without prejudice to the generality of the foregoing powers, such conditions may include all or any of the following, that is to say,

(*a*) a condition that the motor lorry shall be used only in a specified area or between specified places;

(*b*) a condition that certain classes or descriptions of goods only shall be so carried;

(*c*) a condition that goods shall be carried only for specified persons;

(b) a condition that the motor lorry shall not carry more than the specified number of persons;

(c) when the vehicle is a motor lorry intended to be let or plied for hire or reward, such other conditions as the prescribed authority may think fit to impose in the public interest and with a view to prevent uneconomic competition.

(4) A permit under this section may be revoked or suspended by the prescribed authority by which the permit was granted on the ground that any of the conditions of the permit have not been complied with.

Provided that the said authority shall not revoke or suspend a permit unless he is satisfied after giving the holder of the permit an opportunity of being heard that the permit should be revoked or suspended.

Periodical inspection.

24. A motor lorry in respect of which a permit is granted under section 23 shall be subject to such periodical inspection as the Government may prescribe.

PART VI—Road Fund.

Road Fund.

25. All taxes, tolls and fees paid under this Regulation the Mysore Motor Vehicles Regulation, 1928, and the Mysore Highways Regulation, 1920, shall be credited to a special fund, to be designated the Road Fund, to which fund shall also be credited such other sums as the Government may, from time to time, direct.

Constitution of Road Fund.

26. The Road Fund will be debited under the orders of the Government with the following charges, that is to say—

(1) such amount as the Government may, from time to time, determine on account of the expenses incurred in the carrying into effect of the Regulations mentioned in section 25 and the rules made thereunder,

(2) payments made to local authorities under section 32, and

(3) allotments made at the discretion of the Government for such other purposes not hereinbefore mentioned as may be consistent with or necessary for the more efficient administration of the Regulations mentioned above or the rules made thereunder.

Use of Fund.

27. The proceeds of the Road Fund after deducting the charges under section 26 shall be used on the construction and maintenance of roads and bridges in Mysore.

28. The Board shall administer the Road Fund subject to the control of the Government in such manner as may be ordered by the Government from time to time."

Administration of Fund.

PART VII.

GENERAL.

29. No tax under this Regulation other than vehicle tax shall be levied on any motor vehicle used solely for the purposes of agriculture.

Savings as to vehicles used for agricultural purposes.

Explanation.—A motor vehicle used for transporting agricultural produce *along a public road* shall not, for the purpose of this section *and section 8*, be deemed to be used solely for the purposes of agriculture.

30. No prosecution suit or other legal proceeding shall lie against any person for anything in good faith done or intended to be done under this Regulation.

Protection in respect of acts done in good faith.

31. Notwithstanding anything contained in the Mysore City, Town and Minor Municipalities Regulations, 1933, no municipal council shall levy (1) a tax on motor vehicles or (2) a toll on such motor vehicles as are exempted from payment of municipal tolls under this Regulation or the rules made thereunder.

Power of Municipalities to levy taxes on motor vehicles.

32. (1) From the proceeds of tolls and taxes collected under this Regulation, the Government shall pay annually to each District Board which at the commencement of this Regulation was levying tolls and to each municipal council which at the commencement of this Regulation was levying a vehicle tax on motor vehicles, a sum determined by the Government after consulting the District Board or the Municipal council concerned as representing the average annual income of each District Board from tolls and of each municipal council from vehicle tax on motor vehicles during the three years ending 30th day of June 193 , after deducting therefrom the expenses of collection which shall be determined by the Government in such manner as it may deem fit.

Payment to District Boards and Municipalities for loss of tolls and vehicle tax.

(2) In determining the amount payable to a local authority under sub-section (1) the Government shall take into account—

(*a*) the arrears of tolls or vehicle tax on motor vehicles left uncollected, which could have been collected;

(*b*) the amounts which the local authority should have paid to any other local authority on account of collections made on behalf of the latter and remaining to be adjusted; and

(*c*) the vehicle tax payable on vehicles owned by the local authority or by its employees in respect of which exemptions were granted by the local authority.

(3) At the end of three years from the commencement of this Regulation, the Government may, after consulting the District Board or Municipal Council concerned, [determine in such manner as may be then prescribed] *prescribe the manner in which and the periods for which* the amount payable thereafter to such District Board or Municipal Council *shall be paid*.

(4) The amount recovered in respect of composition of tolls under section 20, the proceeds of the service tax under sub-section (c) of section 8 on all public service motor vehicles plying or used solely within a municipality, and the proceeds of the mileage cess under sub-section (d) of section 8, shall be apportioned between the respective local authorities and the Government in such manner as may be determined by rules or orders made in this behalf.

Explanation.—A local authority for the purposes of this sub-section shall mean a District Board, a City Municipal Council or such other Town Municipal Council or Sanitary Board as the Government may notify in this behalf.

33. (1) The Government may, subject to the condition of previous publication make rules for more effectively carrying out all or any of the purposes of this Regulation.

(2) All rules made under this section shall be published in the Official Gazette and on such publication shall have effect as if enacted in this Regulation.

34. Whoever contravenes any of the provisions of this Regulation or of any rule made thereunder shall if no other penalty is elsewhere provided in this Regulation for such contravention, be punishable with fine which may extend to one hundred rupees, and in the event of such person having been previously convicted of an offence under this Regulation or any rule made thereunder with fine which may extend to two hundred rupees.

35. The Government may, subject to the approval of the Legislative Council by a resolution recorded in this behalf alter, add to or cancel any or all of the Schedules II A to IV B of this Regulation and such alteration, addition or cancellation when published in the Official Gazette, shall have the force of law and all references in this Regulation to any of the aforesaid Schedules shall be construed as referring to such Schedules as are for the time being amended in exercise of the power conferred by this section. Power of Government to amend, add to or cancel schedules.

36. No court inferior to that of a Second Class Magistrate shall try any offence punishable under this Regulation or the rules made thereunder, except offences punishable under Part IV of this Regulation or under rules made in respect of matters under the said part.

SCHEDULE I.

Section 3.

Year	No.	Title	Extent of repeal
1876	274	Chief Commissioner's Notification No. 274 of 1876.	The whole
1926	III	The Mysore District Boards Regulation.	Section 66 and Schedule III.

SCHEDULE III.

(Section 14.)

Rates of Tolls.

	A. MOTOR VEHICLES.	Rs.	a.	p.
1	On every motor cycle with or without side car ...	0	4	0
2	On every [four-wheeled] motor car or motor cab constructed or adapted to carry not more than seven persons including the driver	1	0	0
3	On every four wheeled motor car constructed or adapted to carry eight persons or more including the driver.	2	0	0
4	On every *four wheeled* motor bus	2	0	0
5	Do motor lorry	3	0	0
6	Do vehicle propelled by steam or motor power other than those specified above	3	0	0
7	Do vehicle of the categories mentioned in items 5 and 6 above, if laden with timber, and entering the State at a frontier toll bar ...	6	0	0

	B. VEHICLES OTHER THAN MOTOR AND STEAM VEHICLES.			
1	On every four wheeled carriage	0	8	0
2	Do two wheeled carriage on springs other than a jutka or ekka	0	4	0
3	Do ekka or jutka, laden	0	2	0
4	Do do unladen	0	1	0
5	Do other vehicle on springs ex[in]cluding a tricycle and a bicycle	0	2	0
6	Do cart or other vehicle drawn by eight bullocks, buffaloes, horses, ponies, asses or mules, if laden	1	0	0
7	Do cart or other vehicle drawn by eight bullocks, buffaloes, horses, ponies, asses or mules, if not laden	0	8	0
8	Do cart or other vehicle drawn by six bullocks, buffaloes, horses, ponies, asses or mules, if laden	0	8	0
9	Do cart or other vehicle drawn by six bullocks, buffaloes, horses, ponies, asses or mules, if not laden	0	4	0
10	Do cart or other vehicle drawn by four bullocks, buffaloes, horses, ponies, asses, or mules, if laden	0	6	0
11	On every cart or other vehicle drawn by four bullocks, buffaloes, horses, ponies, asses, or mules, if not laden	0	3	0

			Rs	a.	p.
12	Do	cart or other vehicle drawn by two bullocks, buffaloes, horses, ponies, asses or mules, if laden	0	4	0
13	Do	cart or other vehicle drawn by two bullocks, buffaloes, horses, ponies, asses or mules, if not laden	0	2	0
14	Do	cart or other vehicle drawn by a single bullock, buffalo, horse, pony, ass or mule, if laden	0	2	0
15	Do	cart or other vehicle drawn by a single bullock, buffalo, horse, pony, ass or mule, if not laden	0	1	0
16	Do	cart or other vehicle, if laden with timber [fuel, bamboos or stone] and entering the State at a frontier toll-bar	3	0	0

C. ANIMALS, PALANQUINS, ETC.

1	On every buffalo or bullock per head, if laden ...	0	1	0
2	Do do not laden ...	0	0	6
3	Do elephant	1	0	0
4	Do camel, if laden	0	4	0
5	Do do not laden	0	2	0
6	Do horse, if laden or ridden	0	1	6
7	Do horse, if unladen or not ridden	0	0	9
8	Do thattu or mule, if laden or ridden ...	0	0	9
9	Do do if unladen or led ...	0	0	6
10	Do ass, if laden or ridden	0	0	6
11	Do palanquin, dooly, palna or tonjon with two bearers or rickshaw	0	2	0
12	Do palanquin, dooly, palna or tonjon with more than two bearers	0	4	0

Provisos.—

1. Double the rate of tolls prescribed above may be levied in the case of carts referred to in items 6, 8, 10, 12 and 14 of B, if laden and entering the State at a frontier toll-bar,
2. Double the rate of tolls prescribed above may be levied in the case of carts referred to in items 6, 8, 10, 12 and 14 of B, when such carts are laden with timber.
3. The Government may prescribe lower rates of tolls than those prescribed in this schedule on carts fitted with tyres over 2½ inches in width or with pneumatic tyres.

SCHEDULE IV—A.

Section 20.

Rate of fee for composition of tolls on Motor Vehicles.

Classes of vehicles	Fees per quarter					
	For vehicles fitted with pneumatic tyres on all wheels			For other vehicles		
	Rs.	a.	p.	Rs.	a.	p.
1. *Motor cycles*-						
(*a*) Motor cycles with two wheels ...	7	8	0	10	0	0
(*b*) Ditto, if used for drawing a trailer or side car	10	0	0	12	8	0
(*c*) Motor cycles with three wheels ...	10	0	0	12	8	0
2. *Motor cars and motor cabs.*						
(*a*) Weighing not more than 15 cwts., unladen	17	8	0	25	0	0
(*b*) Weighing more than 15 cwts. but not more than 30 cwts, unladen ...	2	0	0	37	8	0
(*c*) Weighing more than 30 cwts. but not more than 45 cwts, unladen ...	32	8	0	50	0	0
(*d*) Weighing more than 45 cwts. but not more than 60 cwts, unladen ...	40	0	0	60	0	0
(*e*) Weighing more than 60 cwts., unladen	50	0	0	75	0	0
(*f*) Additional fee payable in respect of such vehicles when used for drawing trailers—						
(i) For each trailer not exceeding 1 ton in weight, unladen ...	10	0	0	1	0	0
(ii) For each trailer exceeding one ton in weight, unladen	20	0	0	30	0	0
Provided that two or more vehicles shall not be chargeable under this class in respect of the same trailer.						

SCHEDULE IV—B.

Section 21.

Rate of for composition in respect of a single toll bar for certain vehicles.

Class of vehicle	Amount of annual fee		
	Rs.	a.	p.
(*a*) Motor cycles	15	0	0
(*b*) Motor cars weighing not more than 30 cwt. in weight unladen and not constructed or adapted to carry more than seven persons including the driver ...	30	0	0
(*c*) Motor buses	200	0	0
(*d*) Carts drawn by a single bullock or two bullocks ...	7	8	0

SCHEDULE II A.

The Vehicle Tax.—(Section) 8 [6] (a)),

Class of Vehicles	*Annual Tax*
	Rs.
tor Cycles	15
tor cars, constructed or adapted to carry in all not more than seven persons including the driver—	
Weighing not more than 15 cwts. unladen ...	30
Weighing more than 15 cwts. unladen ...	40
tor cars constructed or adapted to carry eight persons or more including the driver	60
heavy motor cars, *i.e.*, motor cars exceeding two tons in weight, unladen	100
tor Lorries used solely for purposes of agriculture ...	60

Privileges and Exemptions.

The vehicle shall be exempted from all municipal tolls.

SCHEDULE II B.

Road Tax.—(Section 8 (b.))

Class of Vehicle	Quarterly tax: Vehicles fitted with pneumatic tyres on all wheels. Rs. a. p.	Quarterly tax: Other Vehicles
1. Motor lorries *without trailers* not let or plied for hire or reward:		
(*a*) Not exceeding 15 cwt. in weight, unladen	30 0 0	45
(*b*) Exceeding 15 cwt. but not exceeding 25 cwt. in weight, unladen...	50 0 0	70
(*c*) Exceeding 25 cwt. but not exceeding 30 cwt. in weight, unladen...	70 0 0	90
(*d*) Exceeding 30 cwt. but not exceeding 35 cwt. in weight, unladen...	90 0 0	115
(*e*) Exceeding 35 cwt. but not exceeding 50 cwt, in weight, unladen...	112 8 0	150
(*f*) Exceeding 50 cwt. but not exceeding 70 cwt. in weight, unladen...	150 0 0	185
(*g*) Exceeding 70 cwt. but not exceeding 100 cwt. in weight. unladen.	175 0 0	225
(h) *Exceeding 100 cwt. in weight unladen*	250 0 0	*300*
(*i*) [(*h*)] Additional tax payable in respect of such vehicles when used for drawing trailers:		
(i) For each trailer not exceeding 1 ton in weight, unladen ...	60 0 0	85
(ii) For each trailer exceeding 1 ton in weight, unladen ...	125 0 0	150
Provided that two or more vehicles shall not be chargeable under this clause in respect of the same trailer.		
2. Motor lorries let or plied for hire or reward *and used for the carriage or haulage of goods only.*	One and half times the rate prescribed for each respective class of vehicle under 1 above.	

Class of Vehicles	Quarterly tax	
	Vehicles fitted with pneumatic tyres on all wheels	Other Vehicles
rries let or plied for hire or d and used for the carriage or ge of goods and passengers.	(*a*) a tax as on a motor lorry under item (2) above, having a weight which ears to the unladen eight of the vehicle the ame proportion as the floor area set apart for the carriage of goods bears to the total floor area of the vehicle, together with, (*b*) a service tax calculated at the rate specified in schedule II C for every passenger which the vehicle is licensed to carry, and (*c*) a mileage cess as on motor buses under schedule II D.	

tion.—Goods in items 2 and 3 above do not include light ts of passengers.

(*a*) Motor lorries not let or plied for hire or reward shall be exempt from tolls other than those levied by a municipal council in the area in which they have the permit for working in accordance with sub-section (3) of Section 23.

(*b*) While working outside the said area on special permits they are liable to both Government and municipal tolls.

(*c*) Such motor lorry shall be exempt from all municipal tolls either of the municipal council within the limits of which the owner resides or of that in the limits of which he carries on business in respect of which the vehicle is used, at his option which shall be exercised at the time of the payment of the tax.

tor lorry kept outside the limits of any municipality shall he tolls of the municipality nearest the place of residence or his principal place of business as the case may be, such municipality is within a radius of five miles from

such place. If the place is equidistant from two municipalities, such motor lorry shall be free from tolls at the municipality elected and declared by the owner at the time of the payment of the tax, provided that the declaration made shall not be subject to variation during the year.

2. Motor lorries let or plied for hire or reward shall be exempt from tolls other than those levied by a municipal Council in the area in which they have the permit provided that, on roads which the Board may declare as competing with the Railways in respect of traffic, they may be subject to the payment of tolls.

3. The provisos to Schedule II C and II D will also be applicable to the cases of vehicles under item 3 above."

SCHEDULE II C.

Service Tax.—(Section 8 (c)).

Classes of Vehicles	Quarterly tax					
	Vehicles fitted with pneumatic tyres on all wheels			Other vehicles		
	Rs.	a.	p.	Rs.	a.	p.
1. Motor cabs other than (3) below						
(*a*) licensed to carry in all not more than four persons,	30	0	0	45	0	0
(*b*) licensed to carry more than four persons, for every person whom the vehicle is so licensed to carry.	7	8	0	11	4	0
2. Motor buses other than (3) below for every person whom the vehicle is licensed to carry						
(*a*) on routes graded as class I by the Board,	7	8	0	11	4	0
(*b*) on routes graded as class II by the Board.	6	0	0	9	0	0
3. Motor cabs and motor buses used for hire for a strictly limited purpose.	25	0	0	37	8	0

Provisos.—

1. In the case of motor cabs one seat for the driver and in the case of motor buses two seats, one for the driver and one for the conductor, shall not be taken to account for purposes of calculating this tax.

2. A motor vehicle is said to be [let] *used* for hire for a limited purpose when it satisfies the following conditions:—

(a) The vehicle is owned by a public institution like a hotel or school.

(b) It is used exclusively for the business of such institution that is, for the conveyance of its members, clients or, workmen.

(c) It is used within the limits of the Municipality in which it is kept.

(d) It is not available for hire by the general public.

3. Motor cabs and motor buses paying service tax shall be exempt from municipal tolls either of the municipal council within the limits of which the owner resides or of that in the limits of which he carries on business in respect of which the vehicle is used, at his option, which shall be exercised at the time of the payment of the tax.

A motor cab or motor bus kept outside the limits of any municipality shall be free from the tolls of the municipality nearest the place of residence of the owner or his principal place of business, as the case may be, provided that such municipality is within a radius of five miles from such place. If the place is equidistant from two municipalities, the motor cab or motor bus shall be free from tolls at the municipality elected and declared by the owner at the time of the payment of the tax, provided that the declaration made shall not be subject to variation during the year.

SCHEDULE II [IV] D.

Mileage Cess.

Class of Vehicles.	*Rate of Tax.*
Motor buses—	
(a) when plying on ordinary permits as part of a regular service	Six pies per mile.
(b) when plying on special permits in other cases	Nine pies per mile.

Proviso—

"Buses paying the mileage cess are exempt from all tolls levied either by the Government or a municipal council except those levied at toll bars established on any road or bridge specified in Schedule V or a road or bridge constructed after the coming into force of this Regulation, for the recovery of the amount expended on such road or bridge."

SCHEDULE V.

Recently constructed roads and Bridges.

(Section 20).

(i)	The road and bridge	...	the Cauvery at T. Narsipur.
(ii)	Do	...	the Cauvery at Krishnarajasagara.
(iii)	Do	...	the Hemavati at Akki-Hebbal.
(iv)	Do	...	the Hemavati at Gorur.

MIRZA M. ISMAIL,
Dewan.

In the Mysore Gold Prohibition Rules of 19[illegible], published at pages 23 to 40 of the Mysore Gazette dated 1st August 19[illegible] with [illegible] Sept. 15th July 19[illegible], for the figuring against item 5 under Group A of rule 3 the figure 4 on every.

The Compiler, Mysore Gazette, for publication and printing and supplies slips to be put in copies of Legislation printed [illegible].

Appendix F G—1]

SUBJECT.....

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Section Legn

File No. 43-34

Serial No. 4

Diary No. of letter replied to.....

No. 3755/—

To

Errata

—

General and Revenue Secretariat

( )

the *193*

Notice ~~Schedule III~~ of the Road Traffic and Taxes Rules VI of 1935 published at pages 323 to 346 of Part III of the Mysore Gazette of 1.8.1935, for the words 'do' appearing against item 5 under group A of Schedule III the words 'Rs. One each' be read.

Date of issue 12/11/35

Signed by

(NO P 342/Legn 43-34-2 Dt 15.7.1935)

By Order

for General Secretary

12/11/35

To

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The Compiler Laws Gazette

for publication in the next issue and furnishing 2 copies of the Slips to be put in Cover

2B—30,000—23-9-35

REGULATION No. VI OF 1935.

THE MYSORE ROAD TRAFFIC AND TAXES REGULATION.

Price: 0-1-9

REGULATION No. VI OF 1935.

(Received the assent of His Highness the Maharaja on the 9th day of July 1935.)

Ordered that the accompanying Regulation to make further provision for the regulation of traffic on roads etc., which received the assent of His Highness the Maharaja, on the 9th day of July 1935, be published as Regulation No. VI of 1935, in the *Mysore Gazette* for general information.

H. V. RAMASVAMI,
Secretary to Government,
General Department.

The Mysore Road Traffic and Taxes Regulation.

Preamble.

Whereas it is expedient to make further provision for the regulation of traffic on roads and to provide for the levy of certain taxes on motor vehicles;

And whereas it is expedient to amend the law relating to tolls;

It is hereby enacted as follows:—

PART I—PRELIMINARY.

Short title.

1. (1) This Regulation may be called the Mysore Road Traffic and Taxes Regulation, 1935.

Local extent.

(2) It extends to the whole of Mysore.

Commencement.

(3) It shall come into force on such date as the Government may, by notification in the Official Gazette, direct.

Definitions.

2. In this Regulation, unless there is anything repugnant in the subject or context,—

(1) "the Board" means the Traffic Board constituted under this Regulation;

(2) "licensing officer" means an officer appointed by the Government to exercise the powers and perform the functions of a licensing officer under this Regulation;

(3) "motor bus" means a public service motor vehicle which is used for the carriage of persons and has seating accommodation for eight or more persons inclusive of the driver;

(4) "motor cab" means a public service motor vehicle used for the carriage of persons, other than a motor bus;

(5) "motor car" means a motor vehicle which is not a public service motor vehicle or a motor cycle or a motor lorry;

(6) "motor cycle" means a motor vehicle without a carriage body running on not more than three wheels and weighing not more than eight hundred weights unladen and includes an auto-wheel and a motor scooter;

(7) "motor lorry" means a motor vehicle which is ordinarily used for the carriage or haulage of goods o goods and passengers and includes a trailer when so used but does not include a trailer when drawn by a motor ca constructed or adapted solely for the carriage of not mor than seven persons including the driver and used for th carriage of their effects;

(8) "motor vehicle" has the same meaning as i the Mysore Motor Vehicles Regulation, 1928;

(9) "prescribed" means prescribed by rules mad under this Regulation;

(10) "private motor vehicle" means any mot vehicle which is not a public service motor vehicle;

(11) "public road" means any street, road, pat way, square, court, alley, passage or riding path over whic the public have a right of way, whether a thoroughfare not and includes the road-way over any public bridge causeway;

(12) "public service motor vehicle" means motor vehicle which is let or plied for hire or reward;

(13) "registered owner" means the person whose name a motor vehicle or trailer is registered und the Mysore Motor Vehicles Regulation, 1928;

(14) "side car" means a wheeled carrier attach to a motor vehicle which motor vehicle rests on not mo than two wheels;

(15) "tax" includes a tax, cess or fee impos under this Regulation or rules thereunder;

(16) "trailer" means any vehicle other than side car drawn or propelled or intended to be drawn propelled by a motor vehicle;

(17) "unladen weight" in relation to a mot vehicle or trailer means the weight of the vehicle or trai including all parts and equipment which are necessary and ordinarily used with the vehicle or trailer wh working. Where alternative parts or bodies are used, t

heaviest part or body shall be taken into account for the purpose of calculating the unladen weight ; and

(18) "year" means the financial year, "half-year" means the first six months or the second six months of such year and "quarter" means the first three months or the second three months of such half-year.

Repeal of certain enactments.

3. The enactments mentioned in Schedule I are hereby repealed to the extent and in the manner specified in the fourth column thereof.

Provided that (*a*) the said repeal shall not affect the validity of anything done or the liability of any person to pay any sum due from him under the enactments hereby repealed, (*b*) any appointment, notification, notice, order, license, permission, rule, form, tax, fee, cess or rate, made, issued, given or imposed, toll bars established, contracts entered into and suits and other proceedings instituted under enactments hereby repealed, shall, so far as may be, be deemed to have been made, issued, given, imposed, established, entered into and instituted under this Regulation.

PART II—ADMINISTRATIVE.

Constitution of the Traffic Board.

4. (1) For the purpose of carrying out the provisions of this Regulation, the Mysore Motor Vehicles Regulation, 1928, and the Mysore Highways Regulation, 1920, and the rules made under them, the Government may appoint, subject to the conditions hereinafter provided, persons, official and non official, residing within Mysore, to constitute a Traffic Board.

The composition of the Traffic Board.

(2) The Board shall, subject to such exceptions and conditions as the Government may from time to time make and impose, include a representative of the local authorities in the State, and representatives of the owners of private motor vehicles, the users and proprietors of public service motor vehicles and persons having interests in agriculture, trade or commerce in Mysore.

(3) The manner and mode of selecting such representatives shall be in accordance with rules prescribed in this behalf.

(4) The Government may appoint one of the members of the Board as its Chairman and an officer in the service of the Government who may or may not be a member of the Board as its Secretary.

(5) The Chairman and the members of the Board shall hold office for the prescribed period, provided that the

Government may by order at any time remove any member and on such removal his seat on the Board shall become vacant.

(6) Casual or other vacancies in the Board shall be filled up by the Government in accordance with rules prescribed in this behalf.

The duties and powers of the Board.

5. (1) The Government may by notification invest the Board either absolutely or subject to conditions with such powers as may be necessary for the purposes mentioned in sub-section (1) of section 4.

(2) It shall be the general duty of the Board so to exercise its powers as to secure the provision of an adequate and properly co-ordinated system of public service motor transport and for that purpose, while avoiding the provision of unnecessary and wasteful competitive services, to take from time to time such steps as it considers necessary for extending and improving the facilities for such transport in such manner as to provide most efficiently and conveniently for the needs thereof.

(3) Subject to such rules as may be prescribed, the Board shall control the number and distribution of public service motor vehicles and for this purpose shall, in particular, perform the following duties, that is to say:

(*a*) From time to time, it shall fix the routes on which public service motor vehicles may be permitted to ply;

(*b*) It shall from time to time determine the number of licenses and permits to be granted for each route and for this purpose shall be guided by the considerations set forth below;

(*c*) It shall generally supervise the regulation and control of public service motor vehicles.

(4) When determining the number of licenses and permits to be allowed for each of the routes under sub-section (3) (b), the Board shall be guided by the following considerations, that is to say:

(*a*) the suitability and capacity of the road or roads or portions thereof covered by every proposed route for the carriage of public service motor vehicles;

(*b*) the extent, if any, to which the needs of the proposed routes or any of them are already adequately served;

(*c*) the extent to which the proposed service is necessary or desirable in the public interest ;

(*d*) the needs of the area as a whole in relation to traffic (including the provision of adequate, suitable and efficient services, the elimination of unnecessary services and the provision of unremunerative services) ; and

(*e*) the co-ordination of all forms of transport including transport by rail.

(5) The Government may prescribe the mode in which the Board shall conduct its business.

Inquiry by the Board.

6. (1) The Board may hold an inquiry or direct inquiry to be made in regard to any accident arising out of the presence of a motor vehicle on a public road whereby damage or injury has been caused to person, or property and the Government may invest, by rules, the Board or such person as may be authorised by the Board in this behalf with such powers as may be necessary for the holding of such inquiry and for summoning and enforcing the attendance of witnesses and compelling the production of documents, and prescribe the procedure to be followed at such inquiry.

(2) Nothing in this section shall be construed as in any way affecting, amending or modifying the provision of any other enactment relating to the holding of inquiries into such accidents by the Police or any other authority.

(3) Any report made by or to the Board as the result of an inquiry under this section shall not be used in evidence by or on behalf of any person by or against whom any legal proceedings are instituted in consequence of the accident to which the inquiry relates.

District Traffic Advisory Committee.

7. (1) The Government may constitute an advisory committee for each district designated the District Traffic Advisory Committee consisting of the Deputy Commissioner who shall be the Chairman and such other members including the President of the District Board as may be appointed by the Government from time to time.

(2) It shall be the duty of the District Traffic Advisory Committee—

(*i*) to consider, report to and advise the Board on any matter relating to traffic within the district ;

(*ii*) to make representations to the Board with respect to any matter connected with the transport services

to time be notified by the Government shall be payable subject to such conditions as may be specified in such notification.

(5) Notwithstanding anything contained in sub-section (1), no person shall be liable to tax during any period on account of any taxable motor vehicle, the tax due in respect of which for the same period has already been paid by some other person.

(6) When any person pays the amount of tax due in respect of any taxable motor vehicle in Mysore or proves to the satisfaction of the licensing officer that no tax is payable in respect of any motor vehicle, the licensing officer shall—

(i) grant to such person a license, in such form as may be notified by the Government, to use the vehicle on public roads in Mysore for the period or periods concerned; and

(ii) record that the tax has been paid for a specified period or periods or that no tax is payable in respect of the vehicle as the case may be in the certificate of registration granted or renewed in respect of the vehicle under the rules made by the Government under the Mysore Motor Vehicles Regulation, 1928, or in the case of vehicles not registered under the said rules in a certificate in such form as may be notified by the Government.

Provided that the Government may exempt from the provision of this sub-section any person who has been exempted from the payment of tax in respect of any motor vehicle and prescribe the manner in which such exemption from payment of tax is to be indicated

Carriage of license on vehicle.

10. The license granted in respect of a motor vehicle under sub-section (6) of section 9 shall be exhibited upon the vehicle in such manner as may be notified by the Government and if such a license is not so carried upon such vehicle the registered owner or the person having possession or control thereof shall be punishable with fine which may extend to fifty rupees.

(2) The person in charge of any motor vehicle on any public road shall cause the vehicle to stop and to remain stationary so long as may reasonably be necessary when required to do so by any officer under the control of the Board empowered in this behalf by the Government or any police officer in uniform who is not below the rank of Sub-Inspector or who being below such rank is empowered in this behalf by the Inspector-General of

Police or the District Magistrate for the purpose of satisfying himself that a license has been obtained in respect of such vehicle for the period then current.

(3) Any person failing to stop a motor vehicle when required to do so by a Police Officer or any other officer empowered under sub-section (2) shall be punishable with fine which may extend to fifty rupees.

Penalty for failure to pay tax.

11. If a tax due in respect of any motor vehicle has not been paid, the registered owner or the person having possession or control thereof shall be punishable with fine which may extend to fifty rupees; and the amount of the tax due by him in respect of such vehicle shall also be recovered as if it were a fine.

Recovery of tax as an arrear of land revenue.

12. Any tax under this Regulation may also be recovered in the same manner as an arrear of land revenue. The motor vehicle in respect of which the tax is due or its accessories may be distrained or sold in pursuance of this section, whether such vehicle or accessories be or be not in the possession or control of the person liable to pay the tax.

Exemption.

13. The Government may by notification in the Official Gazette make an exemption, reduction in the rate or other modification in regard to a tax payable—

(i) by any person or class of persons, or

(ii) in respect of any motor vehicle or class of motor vehicles.

PART IV.—Tolls.

Power to cause levy of tolls on roads and bridges and to appoint collectors.

14. Subject to the rules prescribed by the Government in this behalf, the Government may cause such rates of tolls not exceeding those mentioned in Schedule III hereto annexed, to be levied on any public road or bridge in Mysore, which has been, or shall hereafter be constructed or repaired at the expense of the Government, or any District Board constituted under the Mysore District Boards Regulation, 1926, and may place the collection of such tolls under the management of such persons as may appear to them proper, and all persons employed in the management and collection of such tolls shall be liable to the same responsibility as would belong to them if employed in the collection of the land revenue.

Establishment of toll-bars.

15. The Government may, from time to time declare the roads on which and the places where toll

hall be levied, and may abolish the collection of tolls on oads on which such tolls have been declared leviable, nd may authorise the erection or removal of any toll bar or the purpose of carrying out the provisions of this ection.

Provided that when it is proposed to establish a new oll bar on a road maintained by a District Board or to bolish an existing toll bar on such a road such District oard shall be given an opportunity of expressing its pinion on the proposal, before a decision is come to.

Powers for recovery of toll.

16. (1) In the case of non-payment of any such oll on demand, the persons appointed or duly authorised o collect the same may seize any of the vehicles or nimals on which it is chargeable or any part of their urden of sufficient value to defray the toll.

(2) If any such toll remains undischarged for wenty-four hours after the property has been seized under ub-section (1), the said property shall after twenty-four ours' notice exclusive of Sunday or any public holiday, e sold by public auction for discharge of the toll and all xpenses occasioned by such non-payment, seizure and sale, y order of the officer authorised to superintend the collec- ion of the said toll, who shall cause any balance that may emain to be returned, on demand, to the owner of the roperty.

Release of seized property on tender of dues.

Provided that, if at any time before the sale has ctually begun, the person whose property has been seized hall tender the amount of all the expenses incurred, and f double the toll payable by him, the said officer shall orthwith release the property seized.

(3) Any amount due on account of toll may also e recovered in the same manner as an arrear of land evenue.

Evasion of payment of tolls.

17. No person shall with intent to evade payment of oll cause a vehicle or animal to leave a road on which a oll bar has been placed and pass over any land within a uarter of a mile therefrom, such land not being either a ublic road or land of which such person is the owner or ccupier.

Penalty.

18. Every person, other than the persons appointed r duly authorised to collect tolls under this Regulation, who shall levy or demand any toll on any public road or bridge, or for passing through any bazaar situated thereon, and also every person who shall unlawfully and

extortionately demand, or take any other or higher to than the lawful toll, or under colour of this Regulatio seize or sell any property knowing such seizure or sale t be unlawful or in any manner unlawfully extort money c any valuable thing from any person under colour of thi Regulation shall on conviction before a Magistrate b punishable with imprisonment for a term which ma extend to six months or with fine which may extend t two hundred rupees, any part of which fine may be award by the Magistrate to the person aggrieved.

Penalty for fraudulently passing a toll bar.

19. Any person who fraudulently or forcibl passes any toll bar without paying the proper toll, or wh obstructs the person appointed or duly authorised t collect the toll in the discharge of his duties, sha on conviction before a Magistrate, be punishable, wit imprisonment for a term which may extend to thre months or with fine which may extend to fifty rupees.

Composition of tolls.

20. (1) Subject to such conditions as may b prescribed by the Government in this behalf any perso may, in respect of a motor cycle, motor car or motor ca belonging to him pay in lieu of all tolls other than thos levied at toll bars established on any road or bridg specified in Schedule V or a road or bridge constructe after the coming into force of this Regulation for th recovery of the amount expended upon such road or bridg a quarterly composition fee at rates not exceeding th maxima specified in Schedule IV A. The payment c such composition fee shall exempt such vehicle from tol levied by any municipal council.

(2) The composition fee payable under sub-sectio (1) shall be paid for the quarter and in advance.

(3) Any such person may pay in advance th composition fee payable under sub-section (1) for two c more consecutive quarters in the same year. When th fee is so paid, such rebate shall be allowed as may, fro time to time, be notified by the Government.

Composition of tolls in respect of a single toll bar.

21. Subject to such conditions as may be prescribe by the Government in this behalf any person may, i respect of any of the following vehicles belonging to hin namely, (*a*) a motor cycle or (*b*) a motor car not exceedin 30 hundred weight, in weight unladen and constructed c adapted for the carriage of not more than seven person including the driver or (*c*) a motor bus or (*d*) a cart draw by a single bullock or two bullocks, pay in lieu of a

(*d*) a condition that the motor lorry shall not carry more than the specified number of persons;

(*e*) when the vehicle is a motor lorry intended to be let or plied for hire or reward, such other conditions as the prescribed authority may think fit to impose in the public interest and with a view to prevent uneconomic competition.

(4) A permit under this section may be revoked or suspended by the prescribed authority by which the permit was granted on the ground that any of the conditions of the permit have not been complied with.

Provided that the said authority shall not revoke or suspend a permit unless he is satisfied after giving the holder of the permit an opportunity of being heard that the permit should be revoked or suspended.

Periodical inspection.

24. A motor lorry in respect of which a permit is granted under section 23 shall be subject to such periodical inspection as the Government may prescribe.

PART VI—Road Fund.

The Road Fund.

25. All taxes, tolls and fees paid under this Regulation, the Mysore Motor Vehicles Regulation, 1928, and the Mysore Highways Regulation, 1929, shall be credited to a special fund, to be designated the Road Fund, to which fund shall also be credited such other sums as the Government may, from time to time, direct.

Constitution of the Road Fund.

26. The Road Fund will be debited under the orders of the Government with the following charges, that is to say —

(1) such amount as the Government may, from time to time, determine on account of the expenses incurred in the carrying into effect of the Regulations mentioned in section 25 and the rules made thereunder,

(2) payments made to local authorities under section 32, and

(3) allotments made at the discretion of the Government for such other purposes not hereinbefore mentioned as may be consistent with or necessary for the more efficient administration of the Regulations mentioned above or the rules made thereunder.

Use of the Fund.

27. The proceeds of the Road Fund after deducting the charges under section 26 shall be used on the construction and maintenance of roads and bridges in Mysore.

tolls payable at any one toll bar established under this Regulation other than a frontier toll bar an annual composition fee at rates not exceeding the maxima specified in Schedule IV B.

Provided that such composition under this section shall not

(*i*) be allowed in respect of more than one toll bar for any such motor cycle, motor car, motor bus or cart, and

(*ii*) exempt such cart from tolls when laden with timber.

Exemption.

22. The Government may, by notification in the Official Gazette, make an exemption, reduction in the rate or other modification in regard to toll payable,

(*i*) by any person or class of persons, and

(*ii*) in respect of any vehicle or animal or classes of vehicles or animals.

PART V.

LORRIES.

Permits for motor lorries.

23. (1) No person shall use a motor lorry on a public road, except under a permit granted by the prescribed authority.

(2) When a motor lorry is being used on a public road, the driver of the vehicle, if it belongs to him or is in his possession under an agreement for hire, hire-purchase or loan and in any other case the person whose agent or servant the driver is, shall, for the purpose of this part of this Regulation, be deemed to be the person by whom the vehicle is being used.

(3) The Government may, by rules, prescribe the conditions subject to which a permit may be granted under this section. In particular, but without prejudice to the generality of the foregoing powers, such conditions may include all or any of the following, that is to say,

(*a*) a condition that the motor lorry shall be used only in a specified area or between specified places;

(*b*) a condition that certain classes or descriptions of goods only shall be so carried;

(*c*) a condition that goods shall be carried only for specified persons;

28. The Board shall administer the Road Fund subject to the control of the Government in such manner as may be ordered by the Government from time to time. Administration of the Fund.

PART VII.

General.

29. No tax under this Regulation other than vehicle ax shall be levied on any motor vehicle used solely for the urposes of agriculture. Savings as to vehicles used for agricultural purposes.

Explanation.—A motor vehicle used for transporting gricultural produce along a public road shall not, for the urpose of this section and section 8, be deemed to be used olely for the purposes of agriculture.

30. No prosecution suit or other legal proceeding hall lie against any person for anything in good faith one or intended to be done under this Regulation. Protection in respect of acts done in good faith.

31. Notwithstanding anything contained in the Iysore City, Town and Minor Municipalities Regu- ations, 1933, no municipal council shall levy (1) a tax n motor vehicles or (2) a toll on such motor vehicles as re exempted from payment of municipal tolls under this Regulation or the rules made thereunder. Power of Municipalities to levy taxes on motor vehicles.

32. (1) From the proceeds of tolls and taxes ollected under this Regulation, the Government shall ay annually to each District Board which at the com- nencement of this Regulation was levying tolls and o each municipal council which at the commencement of his Regulation was levying a vehicle tax on motor vehicles, sum determined by the Government after consulting the District Board or the Municipal Council concerned as re- resenting the average annual income of each District Board from tolls and of each municipal council from ehicle tax on motor vehicles during the three years end- ng 30th day of June 1935, after deducting therefrom the xpenses of collection which shall be determined by the Government in such manner as it may deem fit. Payment to District Boards and Municipalities for loss of tolls and vehicle tax.

(2) In determining the amount payable to a local uthority under sub-section (1), the Government shall take nto account—

(*a*) the arrears of tolls or vehicle tax on motor vehicles left uncollected, which could have been collected;

(*b*) the amounts which the local authority should have paid to any other local authority on account of collections made on behalf of the latter and remaining to be adjusted; and

(*c*) the vehicle tax payable on vehicles owned by the local authority or by its employees in respect of which exemptions were granted by the local authority.

(3) At the end of three years from the commencement of this Regulation, the Government may, after consulting the District Board or Municipal Council concerned, prescribe the manner in which and the periods for which the amount payable thereafter to such District Board or Municipal Council shall be paid.

(4) The amount recovered in respect of composition of tolls under section 20, the proceeds of the service tax under sub-section (c) of section 8 on all public service motor vehicles plying or used solely within a municipality, and the proceeds of the mileage cess under sub-section (d) of section 8, shall be apportioned between the respective local authorities and the Government in such manner as may be determined by rules or orders made in this behalf.

Explanation.—A local authority for the purposes of this sub-section shall mean a District Board, a City Municipal Council or such other Town Municipal Council or Sanitary Board as the Government may notify in this behalf.

Power of Government to make rules.

33. (1) The Government may, subject to the condition of previous publication make rules for more effectively carrying out all or any of the purposes of this Regulation.

(2) All rules made under this section shall be published in the Official Gazette and on such publication shall have effect as if enacted in this Regulation.

Penalties.

34. Whoever contravenes any of the provisions of this Regulation or of any rule made thereunder shall if no other penalty is elsewhere provided in this Regulation for such contravention, be punishable with fine which may extend to one hundred rupees, and in the event of such person having been previously convicted of an offence under this Regulation or any rule made thereunder with fine which may extend to two hundred rupees.

Power of Government to amend, add to or cancel schedules.

35. The Government may, subject to the approval of the Legislative Council by a resolution recorded in this behalf alter, add to or cancel any or all of the Schedules II A to IV B of this Regulation and such alteration, addition or cancellation when published in the Official Gazette, shall have the force of law and all references in this Regulation to any of the aforesaid Schedules shall be construed as referring to such Schedules as are for the time being amended in exercise of the power conferred by this section.

36. No court inferior to that of a Second Class Magistrate shall try any offence punishable under this Regulation or the rules made thereunder, except offences punishable under Part IV of this Regulation or under rules made in respect of matters under the said part.

SCHEDULE I.

Section 3.

Year.	No.	Title.	Extent of repeal.
1876	274	Chief Commissioner's Notification No. 274 of 1876.	The whole.
1926	III	The Mysore District Boards Regulation.	Section 66 and Schedule III.

SCHEDULE II A.

The Vehicle Tax.—(Section 8 (*a*)).

	Class of Vehicles	*Annual Tax* Rs.
1	Motor Cycles	15
2	Motor cars, constructed or adapted to carry in all not more than seven persons including the driver—	
	(*a*) Weighing not more than 15 cwts. unladen ...	30
	(*b*) Weighing more than 15 cwts. unladen ...	40
3	Motor cars constructed or adapted to carry eight persons or more including the driver	60
4	For heavy motor cars, *i.e.*, motor cars exceeding two tons in weight, unladen	100
5	Motor Lorries used solely for purposes of agriculture ...	60

Privileges and Exemptions.

The vehicle shall be exempted from all municipal tolls.

SCHEDULE II B.

The Road Tax.—(Section 8 (b.))

Class of Vehicles.	Quarterly tax.	
	Vehicles fitted with pneumatic tyres on all wheels.	Other Vehicles.
	Rs. a. p.	Rs. a. p.
1. Motor lorries without trailers not let or plied for hire or reward :		
(a) Not exceeding 15 cwt. in weight, unladen	30 0 0	45 0 0
(b) Exceeding 15 cwt. but not exceeding 25 cwt. in weight, unladen...	50 0 0	70 0 0
(c) Exceeding 25 cwt. but not exceeding 30 cwt. in weight, unladen...	70 0 0	90 0 0
(d) Exceeding 30 cwt. but not exceeding 35 cwt. in weight, unladen...	90 0 0	115 0 0
(e) Exceeding 35 cwt. but not exceeding 50 cwt. in weight, unladen...	112 8 0	150 0 0
(f) Exceeding 50 cwt. but not exceeding 70 cwt. in weight, unladen...	150 0 0	185 0 0
(g) Exceeding 70 cwt. but not exceeding 100 cwt. in weight. unladen.	175 0 0	225 0 0
(h) Exceeding 100 cwt. in weight unladen	250 0 0	300 0 0
(j) Additional tax payable in respect of such vehicles when used for drawing trailers :		
(i) For each trailer not exceeding 1 ton in weight, unladen ...	60 0 0	85 0 0
(ii) For each trailer exceeding 1 ton in weight, unladen ...	125 0 0	150 0 0
Provided that two or more vehicles shall not be chargeable under this clause in respect of the same trailer.		
2. Motor lorries let or plied for hire or reward and used for the carriage or haulage of goods only.	One and half times the rate prescribed for each respective class of vehicle under 1 above.	

Class of Vehicles.	Quarterly tax.	
	Vehicles fitted with pneumatic tyres on all wheels.	Other Vehicles.
3. Motor lorries let or plied for hire or reward and used for the carriage or haulage of goods and passengers.	(*a*) a tax as on a motor lorry under item (2) above having a weight which bears to the unladen weight of the vehicle the same proportion as the floor area set apart for the carriage of goods bears to the total floor area of the vehicle, together with, (*b*) a service tax calculated at the rate specified in schedule II C for every passenger which the vehicle is licensed to carry, and (*c*) a mileage cess as on motor buses under schedule II D.	

Explanation.—Goods in items 2 and 3 above do not include light personal effects of passengers.

Provisos—

1. (*a*) Motor lorries not let or plied for hire or reward shall be exempt from tolls other than those levied by a municipal council in the area in which they have the permit for working in accordance with sub-section (3) of section 23.

(*b*) While working outside the said area on special permits they are liable to both Government and municipal tolls.

(*c*) Such motor lorry shall be exempt from all municipal tolls either of the municipal council within the limits of which the owner resides or of that in the limits of which he carries on business in respect of which the vehicle is used, at his option which shall be exercised at the time of the payment of the tax.

Such motor lorry kept outside the limits of any municipality shall be free from the tolls of the municipality nearest the place of residence of the owner or his principal place of business as the case may be, provided that such municipality is within a radius of five miles from

such place. If the place is equidistant from two municipalities, such motor lorry shall be free from tolls at the municipality elected and declared by the owner at the time of the payment of the tax, provided that the declaration made shall not be subject to variation during the year.

2. Motor lorries let or plied for hire or reward shall be exempt from tolls other than those levied by a municipal council in the area in which they have the permit provided that, on roads which the Board may declare as competing with the Railways in respect of traffic, they may be subject to the payment of tolls.

3. The *provisos* to Schedule II C and II D will also be applicable to the cases of vehicles under item 3 above.

SCHEDULE II C.

Service Tax.—(Section 8 (c)).

Classes of Vehicles	Quarterly tax.	
	Vehicles fitted with pneumatic tyres on all wheels.	Other vehicles.
	Rs. a. p.	Rs. a. p.
1. Motor cabs other than (3) below		
(*a*) licensed to carry in all not more than four persons.	30 0 0	45 0 0
(*b*) licensed to carry more than four persons, for every person whom the vehicle is so licensed to carry.	7 8 0	11 4 0
2. Motor buses other than (3) below for every person whom the vehicle is licensed to carry—		
(*a*) on routes graded as class I by the Board,	7 8 0	11 4
(*b*) on routes graded as class II by the Board.	6 0 0	9 0 0
3. Motor cabs and motor buses used for hire for a strictly limited purpose.	25 0 0	37 8 0

Provisos.—

1. In the case of motor cabs one seat for the driver and in the case of motor buses two seats, one for the driver and one for the conductor, shall not be taken to account for purposes of calculating this tax.

2. A motor vehicle is said to be used for hire for a strictly limited purpose when it satisfies the following conditions:—

(*a*) The vehicle is owned by a public institution like a hotel or school.

(*b*) It is used exclusively for the business of such institution that is, for the conveyance of its members, clients or, workmen.

(*c*) It is used within the limits of the Municipality in which it is kept.

(*d*) It is not available for hire by the general public.

3. Motor cabs and motor buses paying service tax shall be exempt from municipal tolls either of the municipal council within the limits of which the owner resides or of that in the limits of which he carries on business in respect of which the vehicle is used, at his option, which shall be exercised at the time of the payment of the tax.

A motor cab or motor bus kept outside the limits of any municipality shall be free from the tolls of the municipality nearest the place of residence of the owner or his principal place of business, as the case may be, provided that such municipality is within a radius of five miles from such place. If the place is equidistant from two municipalities, the motor cab or motor bus shall be free from tolls at the municipality elected and declared by the owner at the time of the payment of the tax, provided that the declaration made shall not be subject to variation during the year.

SCHEDULE II D.

Mileage Cess. (Section 8(d)).

Class of Vehicles.	*Rate of Tax.*
Motor buses—	
(*a*) when plying on ordinary permits as part of a regular service	Six pies per mile.
(*b*) when plying on special permits in other cases	Nine pies per mile.

Proviso—

"Buses paying the mileage cess are exempt from all tolls levied either by the Government or a municipal council except those levied at toll bars established on any road or bridge specified in Schedule V or a road or bridge constructed after the coming into force of this Regulation, for the recovery of the amount expended on such road or bridge."

SCHEDULE III.

Rates of Tolls. (Section 14.)

	A. MOTOR VEHICLES.	Rs.	a.	p.
1	On every motor cycle with or without side car ...	0	4	0
2	On every motor car or motor cab constructed or adapted to carry not more than seven persons including the driver			

			Rs.	a.	p.
3	On every four wheeled motor car constructed or adapted to carry eight persons or more including the driver.		2	0	0
4	On every four wheeled motor bus	... ...	2	0	0
5	On every	motor lorry	3	0	0
6	Do	vehicle propelled by steam or motor power other than those specified above	3	0	0
7	Do	vehicle of the categories mentioned in items 5 and 6 above, if laden with timber, and entering the State at a frontier toll bar ...	6	0	0

B. VEHICLES OTHER THAN MOTOR AND STEAM VEHICLES.

1	On every four wheeled carriage	... ...	0	8	0
2	Do	two wheeled carriage on springs other than a jutka or ekka	0	4	0
3	Do	ekka or jutka, laden	0	2	0
4	Do	do unladen	0	1	0
5	Do	other vehicle on springs excluding a tricycle and a bicycle	0	2	0
6	Do	cart or other vehicle drawn by eight bullocks, buffaloes, horses, ponies, asses or mules, if laden	1	0	0
7	Do	cart or other vehicle drawn by eight bullocks, buffaloes, horses, ponies, asses or mules, if not laden	0	8	0
8	Do	cart or other vehicle drawn by six bullocks, buffaloes, horses, ponies, asses or mules, if laden	0	8	0
9	Do	cart or other vehicle drawn by six bullocks, buffaloes, horses, ponies, asses or mules, if not laden	0	4	0
0	Do	cart or other vehicle drawn by four bullocks, buffaloes, horses, ponies, asses, or mules, if laden	0	6	0
1	On every	cart or other vehicle drawn by four bullocks, buffaloes, horses, ponies, asses, or mules, if not laden	0	3	0
2	Do	cart or other vehicle drawn by two bullocks, buffaloes, horses, ponies, asses or mules, if laden	0	4	0
	Do	cart or other vehicle drawn by two bullocks, buffaloes, horses, ponies, asses or mules, if not laden	0	2	0
	Do	cart or other vehicle drawn by a single bullock, buffalo, horse, pony, ass or mule, if laden	0	2	0
	Do	cart or other vehicle drawn by a single bullock, buffalo, horse, pony, ass or mule, if not laden	0	1	0
	Do	cart or other vehicle, if laden with timber and entering the State at a frontier toll-bar ...	3	0	0

C. ANIMALS, PALANQUÍNS, ETC.

1	On every buffalo or bullock per head, if laden ...	0	1	0
2	Do do not laden ...	0	0	6
3	Do elephant	1	0	0
4	Do camel, if laden	0	4	0
5	Do do not laden	0	2	0
6	Do horse, if laden or ridden	0	1	6
7	Do horse, if unladen or not ridden	0	0	9
8	Do thattu or mule, if laden or ridden ...	0	0	9
9	Do do if unladen or led ...	0	0	6
10	Do ass, if laden or ridden	0	0	6
11	Do palanquin, dooly, palna or tonjon with two bearers or rickshaw ...	0	2	0
12	Do palanquin, dooly, palna or tonjon with more than two bearers	0	4	0

Provisos.—

1. Double the rate of tolls prescribed above may be levied in the case of carts referred to in items 6, 8, 10, 12 and 14 of B, if laden and entering the State at a frontier toll-bar.
2. Double the rate of tolls prescribed above may be levied in the case of carts referred to in items 6, 8, 10, 12 and 14 of B, when such carts are laden with timber.
3. The Government may prescribe lower rates of tolls than those prescribed in this schedule on carts fitted with tyres over $2\frac{1}{2}$ inches in width or with pneumatic tyres.

SCHEDULE IV—A.

Rate of fee for composition of tolls on Motor Vehicles. (Section 20).

Classes of vehicles	Fees per quarter					
	For vehicles fitted with pneumatic tyres on all wheels			For other vehicles		
1. *Motor cycles.*	Rs.	a.	p.	Rs.	a.	p
a) Motor cycles with two wheels ...	7	8	0	10	0	0
b) Ditto, if used for drawing a trailer or side car ...	10	0	0	12	8	0
c) Motor cycles with three wheels ...	10	0	0	12	8	0
2. *Motor cars and motor cabs.*						
a) Weighing not more than 15 cwts., unladen ...	17	8	0	25	0	0
b) Weighing more than 15 cwts. but not more than 30 cwts., unladen ...	25	0	0	37	8	0
c) Weighing more than 30 cwts. but not more than 45 cwts., unladen ...	32	8	0	50	0	0
d) Weighing more than 45 cwts. but not more than 60 cwts., unladen ...	40	0	0	60	0	0
e) Weighing more than 60 cwts., unladen	50	0	0	75	0	0
f) Additional fee payable in respect of such vehicles when used for drawing trailers—						
(i) For each trailer not exceeding one ton in weight, unladen ...	10	0	0	15	0	0
(ii) For each trailer exceeding one ton in weight, unladen	20	0	0	30	0	0
Provided that two or more vehicles shall not be chargeable under this class in respect of the same trailer.						

SCHEDULE IV—B.

Rate of fee for composition in respect of a single toll-bar for certain vehicles. (Section 21).

Class of vehicle	Amount of annual fee		
	Rs.	a.	p.
otor cycles	15	0	0
otor cars weighing not more than 30 cwts. in weight nladen and not constructed or adapted to carry nore than seven persons including the driver ...	30	0	0
[otor buses	200	0	0
arts drawn by a single bullock or two bullocks ...	7	8	0

SCHEDULE V

RECENTLY CONSTRUCTED ROADS AND BRIDGES.

(Section 20).

(*i*)	The road and bridge over...		the Cauvery at T.-Narsipur.
(*ii*)	Do	...	the Cauvery at Krishnarajasagara
(*iii*)	Do	...	the Hemavati at Akki-Hebbal.
(*iv*)	Do	...	the Hemavati at Gorur.

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